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THE COMMUNE OF LONDON

THE
COMMUNE OF LONDON
AND OTHER STUDIES

BY J. H. ROUND M.A.

AUTHOR OF 'GEOFFREY DE MANDEVILLE'
'FEUDAL ENGLAND,' ETC.

With a Prefatory Letter by Sir Walter Besant

WESTMINSTER
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Prefatory Letter

DEAR MR. ROUND,

I have to thank you for kindly letting me see the advance proofs of your new book. It is difficult for me to explain the very great advantage which the study of your books has been to me in my endeavour to get at the facts, especially those of the 12th century, connected with the history of London. For instance, I have found in your pages for the first time a working theory of the very difficult questions connected with the creation of the municipality. I have adopted your conclusions to the best of my ability with, I hope, an adequate expression of thanks to the source from which they are derived.

I would also point out the great service which you have rendered to the history of the City by giving, for the first time, the exact truth regarding the conveyance of the Portsoken to the Priory of the Holy Trinity, an event which has been hitherto totally misunderstood.

Thirdly, I must acknowledge that it is only from your pages, especially a certain appendix to 'Geoffrey de Mandeville,' that one can understand the ordinary

PREFATORY LETTER

position of the clergy of the City of London in the 12th century.

It is unnecessary for me to enumerate many other obligations which I owe to your pages.

I remain, dear Mr. Round,

Very faithfully yours,

WALTER BESANT.

OFFICE OF THE SURVEY OF LONDON,

July 6th, 1899.

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Preface

THE paper which gives its title to this volume of unpublished studies deals with a subject of great interest, the origin of the City Corporation. In my previous work, 'Geoffrey de Mandeville' (1892), and especially in the Appendix it contains on 'The early administration of London,' I endeavoured to advance our knowledge of the government and the liberties of the City in the 12th century. In the present volume the paper entitled "London under Stephen" pursues the enquiry further. I have there argued that the "English Cnihtengild" was not the governing body, and have shown that it did not, as is alleged, embrace a religious life by entering Holy Trinity Priory *en masse*. The great office of "Justiciar of London," created, as I previously held, by the charter of Henry I., is now proved, in this paper, to have been held by successive citizens in the days of Stephen.

The communal movement, which, even under Stephen, seems to have influenced the City, attained its triumph under Richard I. ; and the most important discovery, perhaps, in these pages is that of the oath sworn to the Commune of London. From it we learn that the governing body consisted at the time of a Mayor and "Échevins," as in a continental city, and

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that the older officers, the Aldermen of the Wards, had not been amalgamated, as has been supposed, with the new and foreign system. The latter, I have urged, is now represented by the Mayor and Common Council. That this communal organization was almost certainly derived from Normandy, and probably from Rouen, will, I think, be generally admitted in the light of the evidence here adduced. This conclusion has led me to discuss the date of the "Établissements de Rouen," a problem that has received much attention from that eminent scholar, M. Giry. I have also dwelt on the financial side of London's communal revolution, and shown that it involved the sharp reduction of the 'firma' paid by the City to the Crown, the amount of which was a grievance with the citizens and a standing subject of dispute.

The strand connecting the other studies contained in this volume is the critical treatment of historical evidence, especially of records and kindred documents. It is possible that some of the discoveries resulting from this treatment may not only illustrate the importance of absolute exactitude in statement, but may also encourage that searching and independent study of 'sources' which affords so valuable an historical training, and is at times the means of obtaining light on hitherto perplexing problems.

The opening paper (originally read before the Society of Antiquaries) is a plea for the more scientific study of the great field for exploration presented by our English place-names. Certain current beliefs on the settlement of the English invaders are based, it is here urged, on nothing but the rash con-

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clusions of Kemble, writing, as he did, under the influence of a now abandoned theory. In the paper which follows, the value of charters, for the Norman period, is illustrated, some points of 'diplomatic' investigated, and the danger of inexactitude revealed.

Finance, the key to much of our early institutional history, is dealt with in a paper on "The origin of the Exchequer," a problem of long standing. On the one hand, allowance is here made for the personal equation of the author of the famous 'Dialogus de Scaccario,' and some of his statements critically examined, with the result of showing that he exaggerates the changes introduced under Henry I., by the founder of his own house, and that certain alleged innovations were, in truth, older than the Conquest. On the other, it is shown that his treatise does, when carefully studied, reveal the existence of a Treasury audit, which has hitherto escaped notice. Further, the office of Chamberlain of the Exchequer is traced back as a feudal serjeanty to the days of the Conqueror himself, and its connection with the tenure of Porchester Castle established, probably, for the first time. The geographical position of Porchester should, in this connection, be observed.

In two papers I deal with Ireland and its Anglo-Norman conquest. The principal object in the first of these is to show the true character of that alleged golden age which the coming of the invaders destroyed. It is possible, however, of course, that a "vast human shambles" may be, in the eyes of some, an ideal condition for a country. Mr. Dillon, at least, has consistently described the Soudan, before our con-

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quest, as "a comparatively peaceful country."¹ In the second of these papers I advance a new solution of the problem raised by the alleged grant of Ireland, by the Pope, to Henry II. As to this fiercely contested point, I suggest that, on the English side, there was a conspiracy to base the title of our kings to Ireland on a Papal donation of the sovereignty of the island, itself avowedly based on the (forged) "donation of Constantine." No such act of the Popes can, in my opinion, be proved. Even the "Bull Laudabiliter," which, in the form we have it, is of no authority, does not go so far as this, while its confirmation by Alexander III. is nothing but a clumsy forgery. The only document sent to Ireland, to support his rights, by Henry II. was, I here contend, the letter of Alexander III. (20th September, 1172), approving of what had been done. That he sent there the alleged bull of Adrian, and that he did so in 1175, are both, I urge, although accepted, facts without foundation.²

The method adopted in this paper of testing the date hitherto adopted, and disproving it by the sequence of events, is one which I have also employed in "The Struggle of John and Longchamp (1191)." The interest of this latter paper consists in

¹ Speech in the House of Commons (*Times*, 6th June, 1899).

² It is important to observe that the Pope's letter of 20th September, 1172, contains an unmistakable reference to the (forged) Donation of Constantine in the words "Romana ecclesia aliud jus habet in Insula quam in terra magna et continua" (see p. 197 below). Dr. Zinkeisen, in his paper on "the Donation of Constantine as applied by the Roman Church," speaks of this letter as "a genuine bull of Alexander III." ('English Historical Review,' ix. 629), but strangely overlooks the allusion, and asserts that he could find no use made by the Popes of the forged Donation at this period.

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its bearing on the whole question of historic probability, and on the problem of harmonising narratives by four different witnesses, as discussed by Dr. Abbott in his work on St. Thomas of Canterbury. This is, perhaps, the only instance in which I have found the historic judgment and the marvellous insight of the Bishop of Oxford, if I may venture to say so, at fault; and it illustrates the importance of minute attention to the actual dates of events.

Another point that I have tried to illustrate is the tendency to erect a theory on a single initial error. In "The Marshalship of England" I have shown that the belief in the existence of two distinct Marshalseas converging on a single house rests only on a careless slip in a coronation claim (1377). A marginal note scribbled by Carew, under a misapprehension, in the days of Elizabeth, is shown (p. 149) to be the source of Professor Brewer's theory on certain Irish MSS. Again, the accepted story of the Cnihtengild rests only on a misunderstanding of a mediæval phrase (p. 104). Stranger still, the careless reading of a marginal note found in the works of Matthew Paris has led astray the learned editors of several volumes in the Rolls Series, and has even been made, as I have shown in "the Coronation of Richard I.," the basis of a theory that a record of that event formerly existed, though now wanting, in the Red Book of the Exchequer.

The increasing interest in our public records—due in part to the greater use of record evidence in historical research, and in part, also, to the energy with

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which, under the present Deputy-Keeper of the Records, their contents are being made available—leads me to speak of the contributions, in these pages, to their study.

A suggestion will be found (p. 88) as to the origin of the valuable "*Cartæ Antiquæ*," of which the text too often is corrupt, but which, it may be hoped, will soon be published, as they are at present difficult to consult. In the paper on "*The Inquest of Sheriffs*" I have proved beyond question the identity of the lost returns discovered at the Public Record Office, and so lamentably misunderstood by their official editor. But the most important, and indeed revolutionary, theory I have here ventured to advance deals with what are known as the Red Book Inquisitions of 12 and 13 John. It is my contention that this Inquest, the existence of which has not been doubted,¹ though it rests only on the heading in the Red Book of the Exchequer, never took place at all, and that these 'Inquisitions' are merely abstracts, made for a special purpose, from the original returns to that great Inquest of service (as I here term it) which took place in June, 1212 (14 John). It is singular that this conclusion is precisely parallel with that which experts have now adopted on another great Inquest. "*Kirkby's Quest*," it is now admitted, having been similarly misdated in an official transcript, and again, in our own time, by an officer of the Public Record Office, was similarly shown by a private individual to consist, as a rule, "of abridgments only of original inquisitions" . . . "extracts from the original inquisitions made for

¹ See Mr. Scargill-Bird's '*Guide to the Public Records*.'

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a special purpose.”¹ Thus, under John, as under Edward I., “the enquiry itself was a much wider one” than would be inferred from the Red Book Inquisitions and “Kirkby’s Quest” respectively. And, in both cases, its date was different from that which has been hitherto assigned.

I cannot doubt that the theory I advance will be accepted, in course of time, by the authorities of the Public Record Office. In the meanwhile, I have endeavoured to identify all the material in the ‘Testa de Nevill’ derived from the returns to this Inquest, and thus to make it available for students of local and family history.

It is needful that I should say something on the Red Book of the Exchequer. One of the most famous volumes among our public records, it has lately been edited for the Rolls Series by Mr. Hubert Hall, F.S.A., of the Public Record Office.² The inclusion of a work in the Rolls Series thrusts it, of necessity, upon every student of English mediæval history. It also involves an official *cachet*, which gives it an authority, as a work of reference, that the public, naturally, does not assign to the book of a private individual. That a certain percentage of mistakes must occur in works of this kind is, perhaps, to be expected; but when they are made the vehicle of confused and wild guesswork, and become the means of imparting wanton heresy and error, it is

¹ ‘Feudal Aids’ (Calendars of State Papers, etc.), vol. i., pp. ix.–xi.

² Director of the Royal Historical Society; Lecturer on Palæography and Diplomatic at the London School of Economics, etc., etc.

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poliorcetics of mediæval England, and on the introduction, in this country, of tenure by knight service. It is the object also of the "Bannockburn" paper to illustrate the grossly-exaggerated figures of mediæval chroniclers, a point which, even now, is insufficiently realized. Here, and elsewhere, it has been my aim to insist upon the value of records as testing and checking our chronicles, placing, as they do, the facts of history on a relatively sure foundation.

I

The Settlement of the South- and East-Saxons

I WOULD venture, at the outset, to describe this as a "pioneer" paper. It neither professes to determine questions nor attempts to exhaust a subject of singular complexity and obscurity. It is only an attempt to approach the problem on independent lines, and to indicate the path by which it may be possible to extend our knowledge in a department of research of which the importance and the interest are universally recognised.

It is the fine saying of a brilliant scholar, I mean Professor Maitland, that "the most wonderful of all palimpsests is the map of England, could we but decipher it."¹ But the study of place-names has this in common with the study of Domesday Book. The local worker, the man who writes the history of his own parish, is as ready to explain the name it bears as he is to interpret the Domesday *formulae* relating to it in the Great Survey, without possessing in either case that knowledge of the subject as a whole which is required for its treatment in detail. On the other

¹ Archæological Review, iv. 235.

hand, the general student, from the very wideness of his field, is deprived of the advantage conferred by the knowledge of a district in its details. In the hope of steering a middle course between these two dangers, I have specially selected two counties, both of them settled by the Saxon folk—Sussex, with which I am connected by birth; and Essex, with which are my chief associations. And further, within these two counties I restrict myself to certain classes of names, in order to confine the field of enquiry to well-defined limits.

The names with which I propose to deal are those which imply human habitation. And here at once I part company with those, like Kemble and other writers, who appear to think it matter of indifference, so long as a name is formed from what they term a patronymic, whether it ends in -ham or -ton, or in such suffixes as -hurst, -field, -den, or -ford. To them all such names connote village communities; to me they certainly do not. If we glance at the map of Domesday Sussex,¹ we see the northern half of the county practically still "backwoods" eight centuries ago.² If we then turn to the Domesday map prefixed to Manning and Bray's Surrey, we find the southern half of that county similarly devoid of place-names. In short, the famous Andredswald was still, at the time of the Conquest, a belt, some twenty miles in

¹ Prefixed to the Domesday volume published by the Sussex Archæological Society.

² A generation later than Domesday we find lands at Broadhurst (in Horsted Keynes) given to Lewes Priory, which "*usque ad modernum tempus silve fuerunt*" (Cott. MS. Nero c. iii. fo. 217).

width, of forest, not yet opened up, except in a few scattered spots, for human settlement. The place-names of this district have, even at the present day, a quite distinctive character. The *hams* and *tons* of the districts lying to the north and the south of it are here replaced by such suffixes as *-hurst*, *-wood*, *-ley*, and *-field*, and on the Kentish border by *-den*. We may then, judging from this example, treat such suffixes as evidence that the districts where they occur were settled at a much later time than those of the *hams* and *tons*, and under very different conditions. The suffix *-sted*, so common in Essex, is comparatively rare in Sussex, and we cannot, therefore, classify it with the same degree of certainty.

Taking, therefore, for our special sphere, the *hams*, the *tons*, and the famous *ings*, let us see if they occur in such a way as to suggest some definite conclusions. The three principles I would keep in view are : (1) the study, within the limits of a county, of that distribution of names which, hitherto, has been studied for the country as a whole ; (2) a point to which I attach the very greatest importance, namely, the collection, so far as possible, of *all* the names belonging to this class, instead of considering only those which happen to be now represented by villages or parishes ; (3) the critical treatment of the evidence, by sifting and correcting it in its present form. The adoption of these two latter principles will gravely modify the conclusions at which some have arrived.

There is, as Mr. Seebohm's work has shown, nothing so effective as a special map for impressing on the mind the distribution of names. Such a map is

SOUTH- AND EAST-SAXONS

an argument in itself. But although I have constructed for my own use special maps of Sussex and Essex, they cannot here be reproduced.

I now proceed to apply the first principle of which I spoke, that of examining a single county in the same way as others have examined the maps of England as a whole. I doubt if any county would prove more instructive for the purpose than that of Sussex, of which the settlement was developed in isolation and determined by well-defined geographical conditions. Whatever may be said of other suffixes, Mr. Seebohm has shown us that, even allowing for a large margin of unavoidable error, the terminations *-ing* and *-ham* are not distributed at random, but are specially distinctive of that portion of England which was settled by the earliest immigrants and settled the most completely. As a broad, general conclusion, this is virtually established. Now, if we turn to the map of Sussex and ask if this general principle can also be traced in detail, the first point to strike us, I think, is the close connection existing between the *hams* and the rivers. The people, one might say, who settled the *hams* were a people who came in boats. Although at first sight the *hams* may seem to penetrate far inland, we shall find that where they are not actually on the coast, they almost invariably follow the rivers, and follow them as far up as possible; and this is specially the case with the Arun and its tributary the Western Rother. Careful examination reveals the fact that, while to the south, round Chichester Harbour and Selsea Bill, we find several *hams*, and find them again to the north in the valley of the western Rother,

there are none to be found in the space between, which shows that the men who settled them found their way round by the Arun and not overland. I need hardly observe that the rivers of those days were far larger than the modern streams, and their water level higher.

It is anticipating somewhat to point out that the same examination shows us a large group of *tons* covering this district away from the river, where we find no *hams*. Evidently these suffixes do not occur at random.

And now let us pass from the extreme west to the extreme east of the county. Here, instead of a group of *tons* with a notable absence of *hams*, we find a most remarkable group of *hams*, absolutely excluding *tons*. To understand the occurrence of this group on the Rother—the eastern Rother—and its tributaries, it is essential to remember the great change that has here taken place in the coast line. Unfortunately Dr. Guest, who first discussed the settlement of Sussex, entirely ignored this important change, and his followers have done the same. The late Mr. Green, for instance, in his map, follows the coast line given by Dr. Guest. Thus they wholly overlooked that great inlet of the sea, which formed in later ages the harbours of Winchelsea and Rye, and which offered a most suitable and tempting haven for the first Saxon settlers. The result of so doing was that they made the earliest invaders pass by the whole coast of Sussex before finding, at Selsea Bill, one of those marshy inlets of the sea, where they could make themselves at home. Therefore, argued Mr. Grant Allen,¹ “the

¹ Anglo-Saxon Britain, p. 30.

SOUTH- AND EAST-SAXONS

original colony occupied the western half of the modern county; but the eastern portion still remained in the hands of the Welsh." The orthodox hypothesis seems to be that the settlers then fought their way step by step eastwards, that is, towards Kent, reaching and capturing Pevensey in 491, fourteen years after their first landing.¹ As against this view, I would suggest that the distribution of Sussex place-names is in favour of vertical not lateral progress, of separate settlements up the rivers. And, in any case, I claim for the group of *hams* at the extreme east of the county the position of an independent settlement, to the character of which I shall return.

I must not wander too far from what is immediately my point, namely, the grouping of the *hams* and *tons* not haphazard but with cause. Even those students who discriminate suffixes, instead of lumping them together, like Kemble and his followers, make no distinction, I gather, between *hams* and *tons*. Mr. Seeböhm, for instance, classes together "the Saxon 'hams' and 'tuns,'" ² and so does Professor York Powell, even though his views on the settlement are exceptionally original and advanced.³ There are, however, various reasons which lead me to advance a different view. In the first place, the wide-spread

¹ Ibid. Dr. Guest suggested of Ælle, at the battle of Mercled's Burn (485), that "on this occasion he may have met Ambrosius and a national army; for Huntingdon tells us that the 'reges et tyranni Brittanum' were his opponents." But if the Saxon advance was eastwards, it could not well have brought them face to face with the main force of the Britons.

² English Village Community, pp. 126, 127, etc.

³ Social England, i. 122 *et seq.*

existence, on the Continent, of *ham* in its foreign forms proves this suffix to be older than the settlement. ‘Ton,’ on the other hand, as is well known, is virtually absent on the Continent, which implies that it did not come into use till after the settlement in England. And as *ham* was thus used earlier than *ton*, so *ton*, one need hardly add, was used later than *ham*. The cases in Scotland, and in what is known as “little England beyond Wales,” will at once occur to the reader. Canon Taylor states of the latter that the Flemish names, such as Walterston, “belong to a class of names which we find nowhere else in the kingdom,” formed from “Walter and others common in the 12th century.”¹ But in Herefordshire, for instance, we have a Walterston; and in Dorset a Bardolfston, a Philipston, a Michaelston, and a Walterston, proving that the same practice prevailed within the borders of England. Nor need we travel outside the two counties I am specially concerned with to learn from the ‘Ælfelmston’ of Essex or the Brihtelmston of Sussex that we find *ton* compounded with names of the later Anglo-Saxon period. A third clue is afforded by the later version, found in the *Liber de Hyda*, of Alfred’s will. For there we find the *ham* of the original document rendered by *ton*. It is clear, therefore, I contend, that *ton* was a later form than *ham*. Now the map of England as a whole points to the same conclusion; for *ton* is by no means distinctive, like *ham*, of the districts earliest settled. And if we confine ourselves to a particular county, say this of Sussex, we discover,

¹ 2nd ed. p. 178.

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I maintain, an appreciable difference between the distribution of the *hams* and the *tons*. While the *hams* follow the course of the rivers, the scene of the first settlements, the *tons* are largely found grouped away on the uplands, as if representing a later stage in the settlement of the country. In connection with this I would adduce the "remarkable passage," as Mr. Seebohm rightly terms it, in one of King Alfred's treatises, where he contrasts the "permanent freehold *ham*" with the new and at first temporary *ton*, formed by 'timbering' a forest clearing in a part not previously settled.¹ It is true that Mr. Seebohm, as I have said, recognises no distinction, and even speaks of this example as "the growth of a new *ham*"; but it seems to me to confirm the view I am here advancing. It is obvious that if such a canon of research as that *ham* (not *ton*) was a mark of early settlement could be even provisionally accepted, it would greatly, and at once, advance our knowledge of the settlement of England. Although this is nothing more than a 'pioneer' paper, I may say that, after at least glancing at the maps of other counties, I can see nothing to oppose, but everything to confirm, the view that the settlers in the *hams* ascended the rivers (much as they seem, on a larger scale, to have done in Germany); and a study of the coast of England from the Tweed to the British Channel leads me to believe that, as a maritime people, their settlements began upon the coast.

I now pass to my second point—the insufficient attention which has hitherto been paid to our minor

¹ English Village Community, pp. 169, 170.

IMPORTANCE OF MINOR PLACE-NAMES

place-names. Kemble, for instance, working, as he did, on a large scale, was dependent, so far as names still existing are concerned, on the nomenclature of present parishes. And such a test, we shall find, is most fallacious. Canon Taylor, it is true, has endeavoured to supplement this deficiency,¹ but the classification of existing names, whether those of modern parishes or not, has not yet, so far as I can find, been even attempted. Hitherto I have mainly spoken of Sussex, because it is in that county that place-names can be best studied; the Essex evidence is chiefly of value for the contrast it presents. The principal contrast, and one to which I invite particular attention, is this: confining ourselves to the names I am concerned with—the *ings*, *hams*, and *tons*—we find that in Essex several parishes have only a single place-name between them, while in Sussex, on the contrary, a single parish may contain several of these place-names, each of them, surely, at one time representing a distinct local unit. This contrast comes out strongly in the maps I have prepared of the two counties, in which the parishes are disregarded, and each place-name separately entered. I do not pretend that the survey is exhaustive, especially in the case of Sussex, as I only attempt to show those which are found on an ordinary county map, together with those, now obsolete, which can safely be supplied from Domesday. But, so far as the contrast I am dealing with is concerned, it is at least not exaggerated.

¹ He writes, of *ing*, that "Mr. Kemble had overlooked no less than 47 names in Kent, 38 in Sussex, and 34 in Essex" (ed. 1888, p. 82).

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As the actual names are not shown, I will now adduce a few examples. In Sussex, Burpham is composed of three tythings—Burpham, Wepham, Pippering; Climping comprises Atherington and Ilesham; Offham is included in South Stoke; Rackham in Amberley; Cootham in Storrington; Ashton, Wellingham, and Norlington in Ringmer; Buddington in Steyning; and Bidlington in Bramber.

In Essex, on the other hand, 'Roothing' does duty for eight parishes, Colne for four, Hanningfield, Laver, Bardfield, Tolleshunt, and Belchamp for three each, and several more for two. There are, of course, in Sussex also, double parishes to be found, such as North and South Mundham, but they are much scarcer.

We may learn, I think, a good deal from the contrast thus presented. In the first place, it teaches us that parochial divisions are artificial and comparatively modern. The formula that the parish is the township in its ecclesiastical capacity is (if unconsciously adopted) not historically true. Antiquaries familiar with the Norman period, or with the study of local history, must be acquainted with the ruins or the record of churches or chapels (the same building, I may observe in passing, is sometimes called both *ecclesia* and *capella*¹), which formerly gave townships now merged in parishes a separate or quasi-separate ecclesiastical existence. In Sussex the present Angmering comprises what were once three parishes, each with a church of its own. The parish of Cudlow has long been absorbed

¹ The Lewes Priory Charters afford instances in point.

TOWNSHIP, MANOR, AND PARISH

in that of Climping. Balsham-in-Yapton was formerly a distinct hamlet and chapelry. Conversely, the chapelries of Petworth have for centuries been distinct parishes.

In Essex we have examples of another kind, examples which remind us that the combination or the subdivision of parishes are processes as familiar in comparatively modern as in far distant times. The roofless and deserted church to be seen at Little Birch testifies to the fact that, though now one, Great and Little Birch, till recently, were ecclesiastically distinct. In the adjoining parish of Stanway, the church, similarly roofless and deserted, was still in use in the last century.

Again, the civil unit as well as the ecclesiastical, the village, like the parish, may often prove misleading. It is, indeed, very doubtful whether we have ever sufficiently distinguished the manor and the village. If we construct for ourselves a county map from Domesday, we shall miss the names of several villages, although often of antiquity; but, on the other hand, shall meet with the names of important manors, often extending into several parishes, often suggesting by their forms a name as old as the migration, yet now represented at most by some obscure manor, and perhaps only by a solitary farm, or even, it may be, a field. In Sussex, for instance, the 'Basingham' of Domesday cannot now be identified; its 'Beltingeham' is doubtful; its 'Clotinga' is now but a farm, as is 'Estockingeham.' 'Sessingham' and 'Wilttingham' are manors. In Essex 'Hoosenga' and 'Hasingha' occur together in Domesday, and are

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unidentified. Nor have I yet succeeded in identifying 'Plesingho,' a manor not only mentioned in Domesday, but duly found under Henry III. Morant, followed by Chisenhale-Marsh, identified it wrongly with Pleshy. Such names as these, eclipsed by those of modern villages, require to be disintegrated by archæological research.

Another point on which light is thrown by the contrast of Essex and Sussex is the theory tentatively advanced by Mr. Maitland in the 'Archæological Review,' that the Hundred and the township may, in the beginning, have been represented by the same unit.¹ Broadly speaking, he adduced in support of this hypothesis the originally large township of Essex, proved by the existence of a group of villages bearing the same name, comparing it with the small Hundreds characteristic of Sussex. But in Sussex, I think, the small Hundreds were coincident with those many small townships; while in Essex the scattered townships are coincident with larger Hundreds. And this leads me to suggest that the Saxon settlements in Sussex lay far thicker on the ground than those found in Essex, and that we possibly find here some explanation of the admitted silence as to the East-Saxon settlement contrasting with the well-known mention of that in Sussex. It seems to me highly probable that Essex, in those remote times, was not only bordered and penetrated by marshes, but largely covered with forest. It is, perhaps, significant that in the district between West-

¹ Archæological Review, iv. 233 *et seq.*

DISTRIBUTION OF '-HAM'

ham and Boreham, some twenty-five miles across as the crow flies, there is not a *ham* to be found.

From this I turn to the opposite extreme, that group of *hams* on the 'Rother' and its tributaries, thirty-seven in number. Isolated alike from *ings* and *tons*, and hemmed in by the spurs of the Andredswald, it is, perhaps, unique in character. Nowhere have I lighted on a group of *hams* so illustrative of the character of these settlements, or affording a test so admirable of the alleged connection between this suffix and the *villa* of the Roman Empire.

One of the sections of Mr. Seebohm's work is devoted to what he terms "the connection between the Saxon 'ham,' the German 'heim,' and the Frankish 'villa.'" This, indeed, it may fairly be said, is one of the important points in his case, and one to which he has devoted special research and attention. Now, I am not here dealing with the equation of 'ham' and 'villa.' If I were, I should urge, perhaps, that, as with the 'Witan' of the English and the 'Great Council' of the Normans, it does not follow that an equation of words involves their absolute identity of meaning. I confine myself to the suffix '-ham.' "Its early geographical distribution," Mr. Seebohm has suggested, "may have an important significance." With this, it will be seen, I entirely agree. But, if the distribution is important, let us make sure of our facts; let us, as I urge throughout this volume, test and try our evidence before we advance to our conclusion. When Mr. Seebohm informs us that "the 'hams'

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of England were most numerous in the south-eastern counties, finding their densest centre in Essex," the statement must startle any one who has the least acquaintance with Essex, where the termination ' -ham ' is comparatively rare in place-names. On turning to Mr. Seebohm's map, one is still further surprised to learn that its "local names ending in 'ham'" attain in Domesday the enormous proportion of 39 per cent. The clue to the mystery is found in a note that "in Essex the *h* is often dropped, and the suffix becomes *am*." For the whole calculation is based on a freak of my old friend, the Domesday scribe. The one to whom we are indebted for the text of the Essex survey displayed his misplaced scholarship in Latinizing the English names so thoroughly, that not only did Oakley, the first on the list, become 'Accleia,' but even in the accusative, "Accleiam tenet Robertus." Thus we need travel no further than the first name on the index to learn how Mr. Seebohm's error was caused. Elmstead, Bonhunt, Bentley, Coggeshall, Danbury, Dunmow, Alresford, and many other such names, have all by this simple process been converted into 'hams.' I hasten to add that my object in correcting this error is not to criticise so brilliant an investigator and so able a scholar as Mr. Seebohm, but to illustrate the practical impossibility of accomplishing any scientific work in this department of research until the place-names of England have been classified and traced to their origin. I am eager to see this urgent work undertaken county by county, on much the same lines as those adopted by the

Government in France. It seems to me to be eminently a subject for discussion at the Annual Congress of Archæological Societies.

If it were the case that the English *ham* represents the Roman *villa*, this remarkable group on the borders of Kent and Sussex should indicate a dense Roman settlement; but of such settlement there is, I believe, no trace existing. Conversely, we do not find that the sites of Roman villas are denoted by the suffix *ham*.¹

From considering this group as a whole, I advance to two settlements on what is known as the Tillingham River, namely, Billingham and Tillingham. One would not easily find names more distinctive of what Kemble insisted on terming the mark system, or what later historians describe as clan settlement. Parenthetically, I may observe that while *ham* is common in Sussex, the compound *ingham* is not. This is well seen in the group under consideration.

¹ One would like to know on what ground the suffix “-well,” familiar in Essex (Broadwell, Chadwell, Hawkwell, Netteswell, Prittlewell, Ridgwell, Roxwell, Runwell), but curiously absent in Sussex, is derived from the Roman ‘villa.’ It is found in Domesday precisely the same as at the present day. Yet Professor Earle writes of “Wilburgewella” that it is “an interesting name as showing the naturalized form of the Latin *villa*, of which the ordinary Saxon equivalent was *haga*” (Land Charters, p. 130). This latter equation seems to be most surprising. It is traceable apparently to a charter of 855, in which we read of “unam villam quod nos Saxonice ‘an hagan’ dicimus” (Ib. p. 336), an obviously suspicious phrase. There is no ground for terming the ‘Ceolmundinge haga’ of a starred document (Ib. p. 315) a villa, while the ‘haga’ of another (Ib. p. 364) is clearly a *haw*, as in ‘Bassishaw.’ Yet another charter (Ib. p. 447) is not in point.

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The same may, I think, be said of Essex, while in North Suffolk *ingham* begins to assert its predominance. The frequent occurrence in Norfolk and Lincolnshire renders it a note of Anglian rather than Saxon settlement.¹ And now for Billingham and Tillingham. Billing is one of the most common of the so-called patronymics; and there is a Tillingham in Essex. Whether we turn to the specialist works of such writers as Stubbs and Green, or to the latest *compendia* of English history as a whole, we shall virtually always read that such names as these denote original settlement by a clan.²

In venturing to question this proposition, I am striking at the root of Kemble's theory, that over-

¹ But the more closely one investigates the subject the more difficult one finds it to speak with absolute confidence as to the original existence, in any given instance, of an *ing* in the modern suffixes *-ingham* and *-ington*.

² "It is probable that all the primitive villages in whose name the patronymic *ing* occurs were originally colonized by communities united either really by blood or by the belief in a common descent (see Kemble)"—Stubbs (*Const. Hist.*). "Harling abode by Harling and Billing by Billing, and each 'wick' and 'ham' and 'stead' and 'tun' took its name from the kinsmen who dwelt together in it. In this way the house or ham of the Billings was Billingham, and the township of the Harlings was Harlington"—Green ('*Making of England*,' p. 188). "Many family names appear in different parts of England. . . . Thus we find the Bassingas at Bassingbourn. . . . The Billings have left their stamp at Billing, in Northampton; Billingford, in Norfolk; Billingham, in Durham; Billingley, in Yorkshire; Billinghamurst, in Sussex; and five other places in various other counties. Birmingham, Nottingham, Wellington, Faringdon, Warrington, and Wallingford are well-known names formed on the same analogy. . . . Speaking generally these clan names are thickest along the original English coast, etc."—Grant Allen ('*Anglo-Saxon Britain*,' p. 43).

THE OLD 'MARK' THEORY

spreading theory of the Mark, which, as it were, has shrunk from its once stately splendour, but in the shadow of which all our historians since his time have written. Even Professor York Powell, although he rejects the mark theory,¹ writes of "the first stage" of settlement: "We know that the land was settled when clans were powerful, for the new villages bear *clan names*, not *personal names*."² The whole theory rests on the patronymic *ing*, which Kemble crudely treated as proving the existence of a mark community, wherever it occurs in place-names.³

Now the theory that *ing* implies a clan, that is, a community united by blood or by the belief in a common descent,⁴ may be tested in two distinct ways. We may either trace its actual use as applied to individuals or communities; or we may examine the localities in the names of which it occurs. I propose to do both. The passage usually adduced to prove the 'clan' meaning is the well-known genealogy in the Anglo-Saxon Chronicle: "Cerdic was Elesing, Eles was Esling, Esla was Gewising,"⁵ etc. Even Mr. Seebohm reluctantly admits, on this "evidence of the Anglo-Saxon Chronicle," that *ing* was used

¹ "The German theory, formerly generally accepted, that free village communities were the rule among the English, seems to have little direct evidence to support it" (Social England, i. 125).

² Ibid. i. 130; cf. Canon Taylor: "The Saxon immigration was doubtless an immigration of clans. . . . In the Saxon districts of the island we find the names not of individuals, but of clans."

³ The exceptions that he admits are too slight to affect this general statement.

⁴ Stubbs, *ut supra*.

⁵ Canon Taylor relies on the passage, "Ida was Eopping, Eoppa was Esing," etc.

as alleged. But it always seemed obvious to me that this passage, so far from proving the 'clan' meaning, actually proved the opposite, namely, that the patronymic changed with every generation. Again, if we turn from the Chronicle to the Anglo-Saxon charters, we find *inga* normally used to denote the dwellers at a certain place, not the descendants of a certain man. It is singular that Kemble, although he was the first to make an exhaustive study of these charters, classed such names with the other *ings*, from which they were quite distinct.¹ His enthusiasm for the 'mark' carried him away. In Sussex, we have, as it seems to me, a very excellent illustration; the name of Angmering, the present form, occupies, as it were, a medial position between the "Angemare" of Domesday and the "Angmeringatun" of Alfred's will. Here, surely, the Angmeringas were those who dwelt at Angmer, not a 'clan' descended from a man bearing that name.

I will not, however, dwell on this side of the argument, more especially as I would rather lay stress on the other line of attack. For this is my distinctive point: I contend that, in studying the place-names into which *ing* enters, attention has hitherto exclusively, or almost exclusively, been devoted to those now represented by towns or villages. With these it is easy to associate the idea of a clan settlement. But what are we to make of such cases as our Sussex Billingham and Tillingham? We shall search for them in vain in Lewis' Topographical Dictionary; and

¹ Saxons in England, i. 449-456, where he treats such names as "Brytfordingas" as "patronymical."

THE ALLEGED 'CLANS'

yet they are names of the same status as fully developed villages. As a Sussex antiquary has observed (though I cannot accept his explanation): "In the names of many farms we shall likewise find names which also mark whole parishes in the county." Canon Taylor has unconsciously recorded, in the adjoining county of Kent, evidence to the same effect, observing that "the lone farmhouses in Kent, called Shottington, Wingleton, Godington, and Appleton, may be regarded as venerable monuments, showing us the nature of the Saxon colonization of England."¹ I say that this evidence is unconscious, for the Canon applies it only to the evolution of the *ton*, and seems not to have observed its bearing on that compound *ing*, which he, like Kemble, fully accepts as proof of a clan community. From Shottington and Godington, as from Billingham and Tillingham, Kemble would have confidently deduced the settlement of a 'mark' or clan community; and yet, when we learn what the places are, we see that they represent a settlement by households, not by communities.

Here, then, is the value of these cases of what we may term arrested development: they warn us against the rashness of assuming that a modern or even a mediæval village has been a village from the first. The village community may be so far from representing the original settlement as to have been, on the contrary, developed from what was at first but a farmstead. The whole argument of such scholars as Professor Earle here and Dr. Andrews in America

¹ Ed. 1888, p. 79.

is based on the assumption that the land was settled by communities, each of them sufficiently large to have a head, whether civil or military. To that supposition such names as I have mentioned are, I think, fatal.

Yet another point must be touched on as to this alleged patronymic. To Kemble, as I have said, it was of small moment what suffix his 'marks' bore. Indeed, those that denoted forest were to him specially welcome, because he associated the idea of a 'mark' with that of a forest clearing. But we who have seen that such suffixes as *-field*, *-hurst* and *-den*, are distinctive of those districts untouched by the early settlers cannot recognise such names, for instance, as the Itchingfield or Billingshurst of Sussex as denoting village communities. Again, in the Anglo-Saxon charters the characteristic *den* of Kent is frequently preceded by *ing*; and if these *dens* were clearly from the context only forest pastures for swine, we must here also reject the *ing* as proof of a clan community. One may also glance in passing at such names as the "Willingehala" of Essex, now "Willingale," and ask whether a clan community is supposed to have settled in a hall? ¹

I trust that I have now sufficiently shown that even where *ing* genuinely enters into the composition of a place-name it is no proof of settlement by a clan. Kemble looked on the typical 'mark' as "a hundred heads of houses," which he deemed "not at all an

¹ I do not overlook the possibility of 'hall' (*hala*) being a subsequent addition (as in post-Domesday times), but in these cases it was part of the name at least as early as the Conquest, and the presumption must be all in favour of the name being derived from an individual not from a clan.

EXO GAMY AND TOTEMISM

extravagant supposition."¹ I think that even at the present day a visit to the *hams* and *tons* of Sussex, and, in some cases, to the *ings*, would lead us in practice to the opposite conclusion, and would throw the gravest doubt on the theory of the village community. I was trained, like others of my generation, to accept that theory as an axiomatic truth ; but difficult as it is to abandon what one has been so taught, the solitary manor house, the lonely farm, is a living protest against it. The village community of the class-room can never have existed there. On paper it holds its own : *solvitur ambulando*.

But the fact that a place bearing a typical clan name may prove to have been but a single homestead takes us farther than this. *Ing*, which Canon Taylor has described as "the most important element which enters into Anglo-Saxon names," has been held to denote settlement not merely by a clan, but by a portion of a tribe bearing, both in England and abroad, one common name. Kemble insisted strongly upon this,² and is duly followed by Canon Taylor³ and others. On the same foundation Mr. Andrew Lang has erected yet another edifice, tracing the occurrence in scattered counties of the same clan name to the existence of exogamy among our forefathers. And this ingenious suggestion has been

¹ Saxons in England, i. 56.

² Ibid. i. 58 *et seq.*

³ "Hence we perceive the value of this word [*ing*] as an instrument of historical research. For a great number of cases it enables us to assign to each of the great Germanic clans its precise share in the colonization of the several portions of our island."

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adopted by Mr. Grant Allen.¹ But the very first instance he gives, that of the Hemings, will not stand examination.²

As yet I have been dealing with those 'clan names' in which the presence of the *ing* is genuine; and I have been urging that it is not *proof*, as alleged, of settlement by a clan. I now pass to those place-names in which the *ing* is not genuine, but is merely a corruption. That such names exist has always, of course, been admitted,³ but their prevalence has not been sufficiently recognised. And not only are there large deductions, in consequence, to be made from the so-called clan names, but even in cases where the *ing* is genuine the prefix is often so corrupt that the name of the clan deduced from it is altogether wrong.

Let us take some instances in point. Kemble deduced the existence of the Brightlings ('Brightlingas') from Brightling in Sussex and Brightlingsea in Essex. Nothing, at first sight, could seem clearer. And yet, on turning to Domesday, we find that the Sussex Brightling is there entered as Brislinga—suggesting that Somerset Brislington from which Kemble deduced the Brislings—while Brightlingsea appears in the Essex Domesday as 'Brictriceseia,' and in that of Suffolk as 'Brictesceseia,' from which forms is clearly derived the local pronunciation 'Bricklesea.' So much for the Brightlings. Yet more striking is the case of an Essex village, Worm-

¹ Anglo-Saxon Britain, pp. 81-2.

² Heming or Haming was a personal name which occurs in Domesday, and which has originated a modern surname.

³ Even by Kemble, as in 'Saxons in England,' i. 60-79; but he terms it a "slight" cause of inaccuracy.

ERRONEOUS DERIVATIONS

ingford. Kemble, of course, detects in it the name 'Wyrmingas.' Yet its Domesday name is 'Wide-mondefort,' obviously derived from 'Widemond,' the name of an individual.¹ Here the corruption is so startling that it is well to record the transition form 'Wiremundeford,' which I find in the 13th century.² Now, as I have often to point out in the course of my historical researches, however unpopular it may be to correct the errors of others, those errors, if uncorrected, lead too often to fresh ones. Thus, in this case, the 'Wyrmingas,' wrongly deduced from Wormingford, have been claimed by scholars as sons of the 'worm,' and, therefore, as evidence that 'Totemism' prevailed among the Anglo-Saxons. It would take me, I fear, too far afield to discuss the alleged traces of Totemism; but when we find Mr. Grant Allen asserting that "the oak has left traces of his descendants at Oakington in Cambridge" (shire),

¹ 'Wihmund minister' is found in 938 (Earle's 'Land Charters,' p. 326), and 'Widmundesfelt' in the earliest extant Essex charter (Ib. p. 13). It is, therefore, amazing that Professor Earle, dealing with the phrase "æt Hwætmundes stane" (Ib. p. 317), should have gone out of his way to adopt a theory started by Mr. Kerslake in the 'Antiquary,' connecting it with the "sculptured stone in Panier Alley," writing: "If now the *mund* of 'Wheatmund' might be this *mand* [basket], then *hwætmundes stane* would be the stone of the wheatmaund, and the 'antiquum petrosum ædificium' may have been the block of masonry that was once the platform or basis of a market cross which had become the usual pitching-place of cereal produce" (Ib. p. 318). This is an admirable instance of that perverse Folk-etymology which has worked such havoc with our place-names. Morant's derivation in the last century of 'Wide-mondefort,' from 'a wide mound,' is comparatively harmless in its simplicity.

² Calendar of Bodleian Charters, p. 80.

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one has to point out that this place figures in Domesday as 'Hochinton(e)'¹ in no fewer than five entries, although Kemble derives from it *more suo* the 'Æcingas.' But a few more instances of erroneous derivation must be given in order to establish clearly the worthlessness of Kemble's lists. How simple it seems to derive, with him, the 'Storringas' and 'Teorringas' from Storrington, Sussex, and Tarrington, Herefordshire, respectively. Yet the former, in Domesday, is 'Storgetune' or 'Storchestune,' while the latter is 'Tatintune' in both its entries. It might be suggested that the error is that of the Domesday scribe, but in this case I have found the place entered in several documents of the next century as Tadinton or Tatinton, thus establishing the accuracy of Domesday. Indeed, in my experience, the charters of the 12th century prove that Domesday nomenclature is thoroughly deserving of trust. The climax of Kemble's derivations is reached perhaps in Shillingstone, from which Dorset village he duly deduces the 'Scyllingas.' For, as Eyton has shown, its name was 'Acford,' but, from its Domesday tenant, Schelin, it became known as Ockford Eskelling, Shilling Ockford, and finally, by a yet bolder corruption, Shillingstone.² As if to make matters worse, Kemble treats 'Shilling-Okeford' and 'Shillingstone' as two distinct places. Could anything, one asks, be more unfortunate than this? Alas, one must answer Yes. The great clan of the 'Cypingas' is found in eight counties: at least so Kemble says.

¹ 'Ac' was the Domesday equivalent of 'oak.'

² Dorset Domesday, p. 57.

THE '-ING' SUFFIX

I have tested his list and discovered that the names which prove the existence of his clan are Chipping Ongar, Chipping Barnet, Chipping Sodbury, Chipping Campden, Chipping Wycombe, Chipping Warden, and Chipping Norton. Even the historical tyro would avoid this wild blunder; he would know that Chipping was about as much of a clan name as is Cheap-side. After this final example, it can hardly be disputed that Kemble's lists are merely a pitfall for the unwary.

Yet we still follow in his footsteps. Take such a case as that of Faringdon, which Mr. Grant Allen, we have seen, selected as a typical instance of the *ing* patronymic in place-names.¹ If we turn to Domesday, we find in Berks a 'Ferendone,' in Northants a 'Ferendone' or 'Faredone,' in Notts a 'Ferendone' or 'Farendune,' in Hants a 'Ferendone.' These names were all the same; and yet they have become 'Farndon' in Notts and Northants, 'Faringdon' in Berks, and 'Farringdon' in Hants. Farringdon, therefore, is no more a clan name than is the Essex Parndon, the 'Perenduna' of Domesday. But, indeed, in Essex itself, there is an even better illustration. We learn from Canon Taylor that "the Thuringi, a Visigothic clan, mentioned by Marcellinus . . . are found . . . at Thorrington in Essex." Kemble had previously described them as "likely to be offshoots of the great Hermunduric race, the Thyringi or Thoringi, now Thuringians, always neighbours of the Saxons,"² and claims the Essex "Thorring-

¹ So Kemble derived it from the "Færingas."

² Saxons in England, i. 63.

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ton" as their settlement.¹ Now Thorington in the first place was not a *ton*, and in the second place had not an *ing*. Both these forms are corruptions. In Domesday it occurs twice, and both times as '*Tor-induna*.' With this we may compare '*Horninduna*,' which is the Domesday form of Horndon, and occurs frequently. Therefore Thorington and Thorndon, like Farrington and Farndon, were both originally the same name and destitute alike of *ing*.

As to the names ending in *ing*, with no other suffix, I prefer, for the present, to reserve my opinion. Kemble's hypothesis, however, that they were the parent settlements, and the *hams* and *tons* their filial developments, seems to me to have little support in the facts of their actual distribution. If in that distribution there is a feature to be detected, it is, perhaps, that the *ings* are found along the foot of the downs. This, at least, is often observable. Another point deserving of attention is that, in its French form, *igny*, this suffix seems as distinctive of the 'Saxon' settlement about Bayeux as it is absent in that which is found in the Boulogne district. But these are only, as it were, sidelights upon the problem; and this, as I said, is nothing more than a 'pioneer' paper.

I close with a point that appears to me of no small importance. To the east of Sussex and the south of Sussex there lay that so-called Jutish land, the county of Kent. As I pointed out years ago, in my 'Domesday Studies,' the land system of Kent is found in the Great Survey to be essentially distinct from that which prevailed in other counties. It was not assessed

¹ Saxons in England, i. 475.

THE 'SULUNG' OF KENT

in 'hides,' but in 'solins,' that is, the *sulungs* of the natives, the land of a *suhl* or plough. The yokes, or subdivisions, of this unit are also directly connected with the plough. But the hide and virgate of other counties are, as I pointed out, not connected in name with the plough.¹ Now if we work through the land charters printed by Professor Earle, we find that this Domesday distinction can be traced back, clear and sharp, to the earliest times within their ken. We read in an Anglo-Saxon charter of "xx swuluncga," while in Latin charters the normal phrase is the land of so many ploughs ('terra trium aratorum,' 'terra decem aratorum,' etc.); we even meet with the phrase, "decem aratorum juxta æstimationem provinciæ ejusdem."² In another charter "v aratra" equates "fifsulung landes." But in other counties the normal terms, in these charters, for the land units are "manentes" and "cassati,"³ which occur with similar regularity. A cleavage so ancient and so clear as this, in the vital sphere of land division, points to more than a separate rule and confirms the tradition of a distinct origin.

¹ I have shown ('Feudal England,' 103-106) that the *solanda* of other counties is not (as Seebohm thought, following Hale) in any way the same as the *sulung*.

² See Earle's 'Land Charters,' pp. 18, 24, 33, 49, 51, 54, 58, 60, 75, 78, 80, 82, 87, 95, 96, 100, 105, 124, 126, 133, 142, 152, 209.

³ Ibid. pp. 4, 5, 7, 10, 12, 13, 15, 16, 20-24, 26, 29, 31, 40, 45, etc.

II

Ingelric the Priest and Albert of Lotharingia

IN my paper on "Regenbald, Priest and Chancellor,"¹ I was able to trace, by combining the evidence of Domesday and of charters, the history of a "priest" of Edward the Confessor, who became the "priest" of his successor also, and held of him rich possessions in churches and lands. Another churchman who flourished both before and after the Conquest, and must have enjoyed the favour both of the Confessor and of the Conqueror, was Ingelric, first dean of the house of St. Martin's-le-Grand, whose lands had passed before Domesday to Count Eustace of Boulogne. Mr. Freeman was interested in Ingelric as a "commissioner for redemption of lands," but only knew him as a layman. Nor indeed is there anything in Domesday to suggest that he was other. To Mr. W. H. Stevenson belongs the credit of proving that he was a priest by printing "an old English charter of the Conqueror," confirming the foundation of St. Martin's-le-Grand, in which the "*cujusdam fidelis mei Ingelrici scilicet petitioni adquiescens*" is

¹ Feudal England, pp. 421 *et seq.*

INGELRIC IN CHARTERS

equated by "æfter Ingelrices bene mines preostes."¹ It was similarly as "minan preoste" that William had described Regenbald.

The charter I shall now deal with was not known to Mr. Stevenson, and has not, I believe, been printed. It is of real historical interest, apart from the fact that among its witnesses we find Ingelric "the priest."

Mr. Freeman held that the reconciliation between the Conqueror and the Abbot of Peterborough — Brand, the Englishman, whose election had been confirmed, even after the Battle of Hastings, by the ætheling Eadgar—was one of the earliest events after William's coronation.² To that episode I do not hesitate to assign a charter entered in the Peterborough 'Liber Niger' belonging to the Society of Antiquaries. It is a general confirmation of the abbey's possessions, "petente abbate Brand,"³ and is witnessed thus :

Huic testes affuere : Aldredus Eboracensis archiepiscopus ; Wlwinus Lincoliensis episcopus ; Merlesuen vicecomes ; Ulf filius Topi ; Willelmus comes ; Willelmus Malet ; Ingelri[cus] presbyter.

Here we have first Ealdred, by whom William had been crowned ; then Wulfwig, bishop of Dorchester, here described as bishop "of Lincoln." The mention of Mærleswegen is of special importance, for this great English noble had been left in charge of the North by Harold on the eve of the Battle of Hastings, and rose in revolt against William

¹ English Historical Review, xi. 740, 741.

² Norm. Conq., iv. 56-7.

³ According to the Peterborough Chronicle, he gave 40 marcs for this reconciliation.

INGELRIC THE PRIEST

in the summer of 1068. Here we have evidence of his presence at William's court, when his movements were unknown to Mr. Freeman. We see, moreover, that he was still sheriff (of Lincolnshire). "Ulf filius Topi," who appears in other Peterborough charters, had given "Mannetorp," Lincolnshire, and other lands to the abbey.

It is very remarkable that the Norman witnesses are only entered after these Englishmen, although the first is "earl William," in whom we must see the Conqueror's friend, William Fitz Osbern, already, apparently, earl of Hereford. Sufficient attention has hardly been given to this early creation or to the selection of so distant a county as Herefordshire for William's earldom.

In addition to this charter, there is known to me another, little later probably, the last witness to which is entered as "Ego Ingelricus ad hoc impetrandum obnixè studui." This brings me to the third charter that I shall deal with in connection with Ingelric. This is the one I mentioned at the outset as granted by the Conqueror at his request, and edited with so much care and learning by Mr. W. H. Stevenson. This, in its stilted, antique form, has much in common with the one preceding, while its style combines those of the two others. I place the three together for comparison :

- (1) Ego Willelmus dei beneficio rex Anglorum.
- (2) jure hereditario Anglorum patrie effectus sum Basileus.
- (3) Ego Willelmus Dei dispositione et consanguinitatis hereditate Anglorum basileus.

Mr. Freeman looked with suspicion on this third

THE CONQUEROR'S CHARTER

charter, which he termed "an alleged charter of William."¹ His criticism that, though dated 1068, its list of witnesses closes with the two papal legates who visited England in 1070, is a perfectly sound one. Mr. Stevenson ignored this difficulty in his paper; and, on my pointing it out, still failed to explain the positive "*huic constitutioni interfui*" of Cardinal John. Awkward, however, as the difficulty is, the other attestations are so satisfactory that we must treat these as subsequent additions rather than reject the charter.

The remarks which immediately follow are intended only for students of what is uncouthly known as 'diplomatic,' a study hitherto much neglected in England. In this charter, as printed in Mr. Stevenson's paper, there is appended the clause:

Scripta est hec *cartula* anno ab incarnatione Domini MLXVIII^o scilicet secundo anno regni mei.

A corresponding clause is found in the old English version of the text which follows it. But in the Latin text the clause is followed by these words:

Peracta vero est hec *donacio*² die Natali Domini; et postmodum in die Pentecostes confirmata, quando Mathildis conjux mea . . . in reginam . . . est consecrata.

Mr. Freeman somewhat carelessly confused the two clauses:

The charter (*sic*) is said to have been granted at the Christmas feast of 1068 (evidently meaning 1067), and to have been confirmed at the coronation of the queen at the following Pentecost (iv. 726).

¹ Norman Conquest, vol. iv., App. C.

² The italics are mine.

INGELRIC THE PRIEST

Mr. Stevenson follows him in this confusion, but carries it much further. Speaking of "supplementary confirmations," as used in William's chancery, he writes :

We have one in this very charter, which was executed (*peracta*) on Christmas Day, 1068 (*i.e.* 1067), but was afterwards confirmed on the occasion of Matilda's coronation at Whitsuntide, 1068. If we had the original charter, we should probably find that the clause relating to the Whitsuntide confirmation had been added, as in similar continental instances, on a blank space in the charter. Ingelric was, as we know from this grant, one of William's clerks, and he must have been a man of considerable influence to have obtained a diploma from a king who was so chary in the granting of diplomata, and to have, moreover, obtained the execution of it at so important a ceremony as the king's coronation, and a confirmation of it at the queen's coronation.¹

In the elaborate footnotes appended to this passage there are three points to be dealt with.

The first is "the king's coronation" as the time when the charter was executed. Mr. Stevenson writes :

Freeman, *Norman Conquest*, iv. 724, says that the date of the charter, Christmas 1068, evidently means 1067, the date of William's coronation ; etc. . . . There are good grounds, therefore, for holding that the witnesses were spectators of William's coronation, which gives the charter its greatest historical importance.²

But, as we have seen, it is not the fact that Mr. Freeman spoke of Christmas 1067 as "the date of William's coronation." That event took place, as all the world knows, at Christmas, 1066, and so was long previous to this gift and charter. Mr. Stevenson's error is a strange one.

¹ *English Historical Review*, xii. 109, 110.

² *Ibid.*

A POINT OF 'DIPLOMATIC'

The second point is that of the "supplementary confirmation." Mr. Stevenson, referring us to the best parallel, writes :

In the case of the council (or rather *placitum*) of 1072 concerning the subjection of York to Canterbury, which, like the charter under consideration, received a supplementary ratification, a second text was drawn up for the later action.

I here break off to print, for convenience, the parallel clauses in these documents side by side.

1068.

Peracta vero est hec donacio die Natalis Domini ; et postmodum in die Pentecostes confirmata quando Mathildis conjux mea in basilica Sancti Petri Westmonasterii in reginam divino nutu est consecrata.

1072.

Ventilata est autem hec causa prius apud Wentanam civitatem, in Paschali solemnitare, in capella regia que sita est in castello ; postea in villa regia que vocatur Windisor, ubi et finem accepit, in presentia Regis, episcoporum, abbatum, diversorum ordinum, qui congregati erant apud curiam in festivitate Pentecostes.¹

Resuming now Mr. Stevenson's note on the documents of 1072, at the point where I broke it off, we read :

The originals of both still exist. The first, *dated at Winchester at Whitsuntide*,² is validated only by the crosses of William and his queen, the papal legate, both archbishops and four bishops (Palæographical Society, i. fol. 170). The second . . . is dated at Windsor, also at Whitsuntide, and is attested by additional bishops, and by numerous abbots.

As the former document (A.2 of the Canterbury charters, apparently overlooked till some twenty years ago) could not possibly be "dated at Winchester at Whitsuntide," one turns to the text as given by the Palæographical Society, only to find that these words

¹ 5th Report Hist. MSS., i. 452.

² The italics are mine.

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are sheer imagination on Mr. Stevenson's part. There is nothing of the kind to be found there. Owing to this incomprehensible error, he has altogether misunderstood these "supplementary confirmations." The clauses I have printed side by side must not be broken up. The earlier, like the later, is a consistent whole, added at one time.¹

When, then, was the "Ingelric" charter actually drawn up? Mr. Stevenson, following, we have seen, Mr. Freeman's loose expressions, tells us that "as the present charter (*sic*) was *peracta* at Christmas, 1067, and *confirmata* at Whitsuntide, it was most probably written at the former date." But it was the "donacio," *not* the "charter," which was "*peracta*" at Christmas. The text only tells us of the *charter* that it was *written* "*anno ab incarnatione Domini MLXVIII°*." My own view is that the charter was written not at Christmas, 1067 (which was the date of the act of gift), but at (or after) Whitsuntide, 1068. I base this conclusion on the first three witnesses :

Ego Willelmus rex Anglorum, etc.

Ego Mathildis regina consensum præbui.

Ego Ricardus regis filius annui.

Matilda was not "queen" till Whitsuntide, 1068, and was not even in England at Christmas, 1067. If it be urged that, even though found in this position,

¹ Compare Dr. Sheppard's remarks in 5th Report Hist. MSS., i. 452 *a*. It would take us too far afield to undertake the distinct task of reconciling the clause in A.1 (Ibid.) with Lanfranc's letter to the pope, which implies, as Mr. Freeman observes, that there was but one hearing, namely, that at Winchester (Norm. Conq., iv. 358). The clause in A.1 asserts an adjournment of the hearing at Easter (Winchester), and a decision of the case at Whitsuntide (Windsor).

THE QUEEN'S CORONATION

her name was interpolated afterwards, I reply that the name of William's eldest son, Robert, would then have been similarly added. The fact that we find, instead, his second son, Richard (afterwards killed while hunting in the New Forest) is to me the strongest possible evidence that Robert had remained behind, as regent, in Normandy when his mother came over to England to be crowned. The most probable date, therefore, for the execution of this charter is that of her coronation at Westminster, 1068. It preserves for us, in that case, the names of the magnates present on that occasion, including Hugh bishop of Lisieux, who may well have escorted her from Normandy, and thus have attended the ceremony.¹

My third point follows as a corollary from this conclusion. For if the charter was drawn up at Whitsuntide, 1068, not at Christmas, 1067, there is an end of Mr. Stevenson's argument and conclusion :

The 25th December in the second year of William's reign was in 1067 according to our reckoning. But the old system of reckoning the year "ab Incarnatione" began the year on 25th December. This was the old English system, and this charter proves that William's chancery also commenced the year at the Nativity.²

The time spent on this important charter has not been wasted. We have found that one who stands in the front rank of English philologists, and for whom the same would, doubtless, be claimed in "diplomatic," may arrive, in spite of great learning, at quite erroneous conclusions, simply from inexact treatment of the evidence before him.

¹ I need not print the list, as it will be found in the 'Monasticon,' and in Kempe's 'Historical Notices of St. Martin's le Grand,' as well as in Mr. Stevenson's paper.

² E. H. R., xii. 109 note.

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A word more on Ingelric. According to Mr. Freeman, "that Ingelric was an Englishman seems plain."¹ Mr. Stevenson, however, who has specially studied the subject of personal names, holds that this was Frankish. The St. Martin's charter specially speaks of his having acquired his lands under Edward the Confessor. Mr. Stevenson, however, goes further, and states, as we have seen, that it proves him to have been "one of William's clerks" (*sic*); and he argues that "if he was a chancery clerk, he may have continued the traditions of Edward's chancery." It is remarkable, however, that in an Exeter charter (1069) to which Mr. Stevenson refers us, he again attests, as in two of the charters dealt with above, as "Ingelricus *presbyter*." I have chosen, therefore, for this paper the style "Ingelric the priest."

No question of origin can arise in the case of a third personage, who also enjoyed the favour both of Edward and of his successor, namely, Albert of Lotharingia. Known hitherto as having, it is supposed, given its name to Lothbury—for the "Terra Alberti Loteringi" is mentioned in the list of London wards *temp.* Henry I.²—he occurs in many places on the pages of Domesday. As "Albertus Lothariensis" we find him a tenant-in-chief in the counties of Herefordshire and Beds (186, 216b2), one of his manors in the latter county having been held by him, we read, under Edward the Confessor; and he also occurs by the same style as holding under the latter king at Hatton, Mid-

¹ Norm. Conq., vol. iv., App. C

² See 'Geoffrey de Mandeville,' p. 435. I do not guarantee the derivation.

ALBERT OF Lotharingia

dlesex (129). But, so far, there is nothing to show that Albert was a cleric.

It is a Westminster Abbey charter that supplies the missing clue :

Willelmus rex Anglorum Francis et Anglis salutem. Sciatis me dedisse Sancto Petro Westmonasterii et abbati Gilleberto ecclesias de Roteland et terras pertinentes ad easdem ecclesias sicut Albertus Lotharingius de me tenebat ipsas ecclesias cum omnibus pertinentibus ad ipsas. Teste Hugone de Portu.¹

Turning to "Roteland" in Domesday, we find that the last name in the list of its tenants-in-chief is that of "Albertus clericus," who holds the churches of Oakham, Hambleton, and St. Peter's, Stamford, "cum adjacentibus terris eisdem ecclesiis . . . de rege," the whole forming a valuable estate. Again, we read under Stamford : "Albertus unam æcclesiam Sancti Petri cum duabus mansionibus et dimidia carucata terre quæ jacet in Rotelande in Hemeldune ; valet x sol." (336 *b*). Following up this clue, we recognise our man in the "Albertus clericus" who holds at "Eddintone," in Surrey (30, 36 *b*), and doubtless also in "Albertus clericus" who held land as an under-tenant at Windsor (56 *b*). Nay, it is difficult to resist the conclusion that he is also the "Albertus capellanus" who, at the end of the Kent Domesday (14 *b*), has a page all to himself as tenant-in-chief of Newington. Thus in the official index to Domesday we find Albert entered under "clericus," "Lothariensis," "Albertus," and (probably) "capellanus," and yet, in each case, it is the same man. Regenbald, exactly in the same way, is

¹ Mon. Ang., ii. 302.

INGELRIC THE PRIEST

entered under 'Cirecestre,' 'presbyter,' and 'Reinbaldus.' In my 'Feudal England' I have similarly identified (p. 167) "Eustachius," one tenant-in-chief, with "Eustachius vicecomes," another (and with "Eustachius," an under-tenant),¹ and "Oger," a Northamptonshire tenant-in-chief, with Oger "Britto," a Lincolnshire one (p. 220). In the Eastern counties the Breton founder of the house of Helion is similarly indexed under 'Britto' for Essex, 'Herion' for Suffolk, and 'Tehelus' for Norfolk. Small as these points may seem, their ultimate consequence is great, for they still further reduce the number of tenants-in-chief. When the history of these magnates is more fully known, it will probably be found that those who held *in capite per servitium militare*, thus excluding, of course, mere serjeants, etc., were a mere handful compared with the vast total given by Ellis and others.

Albert's Lotharingian origin becomes of special interest now that we know he was a cleric, for Mr. Freeman devoted a special appendix to "Lotharingian churchmen under Edward."² Unfortunately he was not acquainted with the case of Albert. Dr. Stubbs also has dwelt on the importance, for the church, of "the increased intercourse with the empire, and especially with Lorraine," under Edward the Confessor.³ He alludes, without committing himself to it, to Mr. Freeman's somewhat fanciful theory on the subject.

¹ He is also clearly the "Eustachius de Hunte-dune" mentioned under Stamford (D. B. 336 *b*).

² Norman Conquest, vol. ii.

³ Const. Hist., i. 243.

III

Anglo-Norman Warfare

HAVING devoted special study to the art of war in the Norman period, including therein the subject of castles, I may have, perhaps, some claim to deal with the latest work on a topic which requires for its treatment special knowledge. When a treatise assumes a definite character, and is likely to be permanently consulted, it calls for closer criticism than a mere ephemeral production, and on this ground I would here discuss some points in Mr. Oman's 'History of the Art of War' (1898).

Mr. Oman issued, so far back as 1885, 'The Art of War in the Middle Ages,' so that he enjoys, on this subject, the advantage of prolonged study. In 1894 he contributed to 'Social England'¹ an article on "Norman Warfare," to which I shall also refer. I should add that in his first (1885), as in his later work (1898), Mr. Oman received the help of Mr. F. York Powell, now Regius Professor of Modern History at Oxford.

The first point I propose to consider is that of the famous English "formation" before the Norman Conquest. Mr. Oman originally wrote as follows :

¹ pp. viii., 299.

ANGLO-NORMAN WARFARE

The tactics of the English axemen were those of the column; arranged in a compact mass, they could beat off almost any attack, and hew their way through every obstacle ('Art of War,' p. 24).

This was also the view of the late Professor Freeman, who wrote of the battle of Maldon that—

The English stood, as at Senlac, in the array common to them and their enemies—a strong line, or rather wedge of infantry, forming a wall with their shields.

At the battle of Hastings ("Senlac") itself he tells us—

The English clave to the old Teutonic tactics. They fought on foot in the close array of the shield wall.

They were ranged, he held, "closely together in the thick array of the shield wall." He had well observed that "the Norman writers were specially struck with the close array of the English," and had elsewhere spoken of "the close array of the battle-axe men," and of "the English house-carls with their . . . huge battle axes," accustomed to fight in "the close array of the shield wall."¹

To this formation, it is necessary to observe, the term *testudo* was applied. At the battle of Ashdown, Freeman wrote:

Asser calls it a *testudo* or tortoise. This is the shield wall, the famous tactic of the English and Danes. We shall hear of it in all the great battles down to the end.

Florence adopts the same word in describing the formation of the rival hosts on that occasion:

Pagani in duas se turmas dividentes, æquali *testudine* bellum parant (i. 83).

¹ See for the above quotations my 'Feudal England,' pp. 346, 354-6.

THE ENGLISH SHIELD WALL

Ælfred . . . Christianas copias contra hostiles exercitus
. . . dirigens . . . *testudine* ordinabiliter condensata (i. 84).

So, too, at the battle of Ethandun :

Ubi contra Paganorum exercitum universum cum densa *testudine*
atrociter belligerans (i. 96).

Again, in 1052 :

Pedestris exercitus . . . spissam terribilemque fecit *testudinem*.

This is an exact description of the host that faced the Normans, fourteen years later, on the hill of Battle. As William of Malmesbury describes it :

Pedites omnes cum bipennibus, conserta ante se *scutorum testudine*, impenetrabilem cuneum faciunt.¹

"It is a pleasure," as I wrote, "to find myself here in complete agreement with Mr. Freeman."² Mr. Freeman saw in this passage "the array of the shield wall,"³ and aptly compared Abbot Æthelred's description of the English array at the Battle of the Standard : "Scutis scuta junguntur, lateribus latera conseruntur."⁴ With Mr. Oman also I was no less pleased to find myself in perfect agreement. I myself should speak, as he does, of the "tactics of the phalanx of axemen."⁵ It is particularly interesting to read in his latest work (p. 57), that at Zülpich (A.D. 612), according to Fredegarius :

¹ William was familiar with this formation, for he makes, Mr. Freeman wrote, Henry I. bid his English stand firm "in the array of the ancient shield wall."

² Feudal England, p. 354.

³ Norman Conquest (2nd ed., iii. 764).

⁴ Miss Norgate recognises this as "the English shield wall" ('England under the Angevin Kings,' i. 292).

⁵ Art of War, p. 26 ; History of the Art of War, p. 163.

ANGLO-NORMAN WARFARE

So great was the press when the hostile masses [*phalanges*] met and strove against each other, that the bodies of the slain could not fall to the ground, but the dead stood upright wedged among the living.

For precisely the same phenomenon is described at the Battle of Hastings. William of Poitiers says of the English :

Ob nimiam densitatem eorum labi vix potuerunt interfecti.

And Bishop Guy :

Spiritibus nequeunt frustrata cadavera sterni,
Nec cedunt vivis corpora militibus.
Omne cadaver enim, vita licet evacuatum,
Stat velut illæsum, possidet atque locum.¹

There is nothing strange in this parallel between Zülpich and Hastings, for Mr. Oman observes that :

In their weapons and their manner of fighting, the bands of Angles, Jutes, and Saxons who overran Britain were more nearly similar to the Franks than to the German tribes who wandered south.²

At Poitiers "the Franks fought, as they had done two hundred years before at Casilinum, in one solid mass,"³ for their tactics were "to advance in a deep column or wedge."⁴ We have seen that the "column" of English axemen similarly fought, according to Mr. Oman, "arranged in a compact mass."

Where the agreement is so complete, I need not labour the point further. In my 'Feudal England'

¹ See, for these quotations, Freeman's 'Norman Conquest,' iii. (2nd ed.), 491 (where he quotes parallels from Dion Cassius and Ammianus), and compare my 'Feudal England,' p. 358.

² History of the Art of War, p. 61.

³ Ibid. p. 58.

⁴ Ibid. p. 36.

MR. OMAN'S CONTRADICTIONS

(pp. 354-8), I showed that Mr. Archer's views on the subject could not stand for a moment against those of Mr. Freeman and Mr. Oman, to which they were directly opposed.

In 'Social England'—just as Mr. Freeman had written that both the English and the Danes stood as a "wedge of infantry forming a wall with their shields"¹—Mr. Oman writes of their "wedge or column." It is only in his later work that he suddenly shifts his ground, and flatly contradicts his own words:

1894.

When Dane had fought Englishman, the battle had always been between *serried bodies*² of foot soldiery, meeting fairly face to face *in the wedge* or column, with its shield wall of warriors standing elbow to elbow, etc. ('Social England,' p. 299).

1898.

The Danes . . . formed their shield wall. . . . The shield wall (*testudo*, as Asser pedantically calls it) is *of course not a wedged mass*,³ but only a line of shielded warriors³ ('History of the Art of War,' p. 99).

The writer's "of course" is delightful.

This contradiction of himself, however, is as nothing compared with that to which we are now coming.

In his first work Mr. Oman wrote under Mr. Freeman's influence. The Normans, he held, at the Battle of Hastings, were confronted by "impregnable palisades." Nine years later, in his second description of the battle, he substituted for these "impregnable palisades" an "impenetrable shield wall."

¹ See above, p. 40.

² The italics are mine.

³ The *spissa testudo* of Florence is "of course" conveniently ignored.

ANGLO-NORMAN WARFARE

1885.

The Norman knights, if unsupported by their light infantry, *might have surged for ever around the IMPREGNABLE PALISADES*. The archers, if unsupported by the knights, could easily have been driven off the field by a general charge. United, however, by the skilled tactics of William, the two divisions of the invading army won the day ('Art of War,' p. 25).

1894.

His archers, if unsupported by cavalry, might have been driven off the field by a single charge; his cavalry, if unsupported by archers, *might have surged for ever around the IMPENETRABLE SHIELD WALL* of the English. But by combining the two armies (*sic*) with perfect skill, he won his crowning victory ('Social England,' p. 299).

The faithful *réchauffé* of his former narrative only renders the more significant Mr. Oman's change of "impregnable palisades" to "impenetrable shield wall." For what had happened in the meanwhile to account for this change being made? In July, 1892, there had appeared in the 'Quarterly Review' my well-known article on "Professor Freeman," in which I had maintained that the English defence consisted, *not* of impregnable "palisades," but only of an impenetrable "shield wall." On the furious and famous controversy upon this topic which followed, it is quite unnecessary to dwell. Mr. Oman, we have seen himself adopted the view I had advanced, and not, I hasten to add, on this point alone, for with his whole description of the battle, as given in 'Social England,' I am in complete agreement. The "shield wall" he mentions twice.¹ Of "palisades," intrenchments, or breastworks there is not a word.

¹ "When the compact shield wall was broken, William thrust his horsemen into the gaps" (p. 300). Just so.

THE ALLEGED PALISADE

And yet Mr. Oman, now, is not ashamed to write:

I fear that I must plead that I was never converted. This being so, Mr. Round cannot prove that I was.¹

What is the explanation of Mr. Oman's statement? Simply that he has again changed his view; and having first adopted that of Mr. Freeman, and then abandoned it to adopt my own, he now, in turn, abandons both, and advances a third (or fourth) at variance with both alike! His Norman knights are still "surging"; but they "surge" against an obstacle which has once more changed its character:

The knights, if unsupported by the bowmen, might have surged for ever against the *impregnable breastworks*. The archers, unsupported by the knights, could easily have been driven off the field by a general charge. United by the skilful hand of William, they were invincible ('History of the Art of War,' p. 164).

What then were these "impregnable breastworks" which now make their appearance in our old familiar passage? They are described on page 154, where we read that "we must not think . . . of massive palisading :² they were merely

¹ 'Athenæum,' 6th Aug., 1898. Mr. Oman had previously tried to escape from his own words by pleading that "silence does not mean a change of opinion" ('Academy,' 9th June, 1894). But I had been careful to explain that I did not rely on his 'silence,' but on his actually *substituting* 'shield wall' for 'palisades' in the above reproduced sentence ('Academy,' 19th May, 1894). Similarly, Mr. Oman, as Col. Lloyd has observed ('English Historical Review,' x. 538), "takes a different view" of the English formation at Crecy, in the latter of these two works from that which he had taken in the earlier, substituting a wholly different arrangement of the archers.

² Mr. Freeman wrote of a "fortress of timber" with "wooden walls," composed of "firm barricades of ash and other timber" (see 'Feudal England,' p. 340). Mr. George emphatically rejected this conception ('Battles of English History').

ANGLO-NORMAN WARFARE

wattled hurdles . . . intended, perhaps, more as a cover against missiles than as a solid protection against the horsemen, for they can have been but hastily constructed things, put together in a few hours by wearied men.

Let us place, side by side, Mr. Oman's own words in this his latest work :

The knights, if unsupported by the bowmen, might have surged for ever against the impregnable breastworks (p. 164).	[The English defences] constituted no impregnable fortress, but a slight earthwork, not wholly impassable to horsemen (p. 154).
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That they were, to say the least, "not wholly impassable" is evident from the writer's own description (p. 159) of the Norman knights' first charge "against the long front of the breastworks, which, in many places, they must have swept down by their mere impetus." Nay, "before the two armies met hand to hand," as Mr. Freeman observes,¹ a single horseman—"a minstrel named Taillefer," as Mr. Oman terms him—"burst right through the breastwork and into the English line" (p. 158).² Such, on Mr. Oman's own showing, were his so-called "impregnable breastworks" (p. 164). A single horseman could ride through them!

We see then that, in this his latest work, he not only adopts yet another view, but cannot adopt it consistently even when he does.

To me there is nothing strange in all this shift and shuffle. It has distinguished each of my opponents

¹ 'Norman Conquest,' iii. (2nd ed.), 476, faithfully reproducing Henry of Huntingdon's "*dudum antequam coirent bellatores.*"

² Guy of Amiens describes him as "*Agmina præcedens innumerosa ducis.*"

A SUCCESSION OF THEORIES

on this subject from the first. Not only are they all at variance with one another : they are also at variance with themselves. Alone my own theory remains unchanged throughout. The English faced their foes that day in "the close array of the shield wall." Other defences they had none.

Mr. Oman has actually advanced four theories in succession :

- (1) "The impregnable palisades."¹
- (2) "The impenetrable shield wall."²
- (3) "An *abattis* of some sort."³
- (4) "Wattled hurdles."⁴

The third of these made its appearance after his description in 'Social England.' "I still hold," Mr. Oman wrote, "to the belief that there was an *abattis* of some sort in front of Harold's line."

But how can he "still" hold to a belief which he has never expressed before or since? For neither the first, second, or fourth of the defences he gives above can by any possibility describe an *abattis*. The New English Dictionary describes an *abattis* as

a defence constructed by placing felled trees lengthwise, one over the other, with their branches towards the enemy's line.

The 'Encyclopædia Britannica' gives us a similar description, speaking of this defence as constructed of "felled trees lengthwise . . . the stems inwards."⁵ One is driven to suppose that Mr. Oman

¹ Art of War, p. 25.

² Social England, p. 299.

³ Academy, 9th June, 1894. ⁴ History of the Art of War, p. 154

⁵ Mr. Oman, in his latest work, makes "brushwood" the material I had pointed out "the difficulty of hauling timber" under the circumstances ('Feudal England,' p. 342).

is quite unable to understand what an *abattis* really is.

We have now seen that the writer has actually given in succession four entirely different descriptions of the defences of the English front, while he has not the candour to confess that he has ever changed his mind.

At this I am not in the least surprised. As I have observed in 'Feudal England,' p. 342 :

As for the defenders of the 'palisade,' they cannot even agree among themselves as to what it really was. Mr. Archer produces a new explanation only to throw it over almost as soon as it is produced. One seeks to know for certain what one is expected to deal with ; but, so far as it is possible to learn, nobody can tell one. There is only a succession of dissolving views, and one is left to deal with a nebulous hypothesis.

Even since these words were published, Mr. Oman has produced his fourth explanation, and has produced it in conjunction with Mr. Archer, who had previously enriched this series of explanations by two further ones of his own. In one of them the "fenestres," which Wace makes the principal ingredient of the palisade, are rendered by Mr. Archer "windows."¹ In another he describes the English defence as "a structure of interwoven shields and stakes," "shields set in the ground and supported by a palisade of stakes," a defence into which "actual shields have been built."² It is only necessary to add that Mr. Oman, who acknowledges here his "indebtedness to Mr. T. A. Archer,"³ tacitly, but abso-

¹ English Historical Review, ix. 18 ; cf. ix. 10.

² Ibid. ix. 232, 237-8.

³ History of the Art of War, p. vi.

THE TRUTH EMERGING

lutely, rejects both these phantasies, together with Mr. Archer's great theory that the English axemen were "shieldless" at the battle,¹ and "could not or did not form the shield wall."² All this Mr. Oman rejects, though, of course, he is careful not to say so; just as Mr. Archer, before him, had rejected views of Mr. Freeman, while professing to defend his account of the battle against me.³

I have now shown that my opponents are still as unable as ever to agree among themselves on the subject of the alleged English defence, and that as to Mr. Oman, he contradicts himself, not only in successive works, but even in a single chapter. A little *clique* of Oxford historians, mortified at my crushing *exposé* of Mr. Freeman's vaunted accuracy, have endeavoured, without scruple, and with almost unconcealed anger, to silence me at any cost. And they cannot even wait until they have agreed among themselves.

How entirely impotent they are to stay the progress of the truth is shown by the fact that a German writer, Dr. Spatz, who has independently examined the authorities and the ground, goes even farther than myself in rejecting Mr. Freeman's narrative, and especially the palisade.⁴ Sir James Ramsay also, on similarly independent investigation, has been driven to the same conclusion, which his recently published

¹ English Historical Review, ix. 239.

² Ibid. p. 14.

³ See Feudal England, pp. 354-8, 392.

⁴ Die Schlacht von Hastings (Berlin), 1896.

work embodies. Does Mr. Oman refer to Dr. Spatz, whose work is a well-known one? No, he coolly states that "the whole balance of learned opinion" is against me on this matter,¹ although, as we have seen, neither he nor Mr. Archer accepts Mr. Freeman's narrative,² while their own recorded views hopelessly differ (see pp. 43, 49).

Again, Mr. Oman writes :

I do not see what should have induced him [Wace] to bring the wattled barrier into his narrative, unless it existed in the tale of the fight as it had been told him, etc. (p. 153).

And yet he made use of my 'Feudal England,' in which I set forth prominently (pp. 409-416), as I had previously done in the 'English Historical Review' (viii. 677 *et seq.* ; ix. 237), my theory that the passage in Wace "is nothing but a metrical, elaborate, and somewhat confused paraphrase of the words of William of Malmesbury," and that he was clearly misled by the words "conserta . . . testudine," which he did not understand. Mr. Archer discussed this theory, but did not venture to reject it (*Ibid.*). Mr. Oman finds it safer to ignore it, and to profess that he cannot imagine where Wace got the idea from, except from oral tradition.

It is the same with the arrangement of the English host. In his latest work, Mr. Oman states, as a matter

¹ Athenæum, July 30, 1898.

² Mr. Oman, for instance, writes of the English "ditch and the mound made of the earth cast up from it and crowned by the breastworks" (p. 154), although Mr. Freeman treated "the English fosse" as quite distinct from "the palisades, and at a distance from them" ('English Historical Review,' ix. 213). Mr. Archer has had to admit this.

THE ENGLISH HOST

of fact, that the "house carles" formed the centre, and that

the fyrd, divided no doubt according to its shires, was ranged on either flank (p. 155).

There is no authority whatever for this view in any account of the battle, and it is wholly at variance with Mr. Oman's own view, as stated in his earlier works.

Backed (*sic*) by the disorderly masses of the fyrd, and by the thegns of the home counties, the house carles of King Harold stood ('Art of War,' p. 24).

There the house carles of King Harold, backed (*sic*) by the theghood of all southern England and the disorderly masses of the fyrd of the home counties, drew themselves out ('Social England,' p. 229).

In perfect agreement with these passages, I hold that "the well-armed house carles," as Mr. Oman terms them, formed the English front, and were "backed" by the rest of the host.¹ Mr. Oman's later view involves a tactical absurdity, as I have maintained throughout.² But here again Mr. Oman finds it the safest plan to ignore an argument he cannot face.

Let me, however, part from his narrative of the great struggle with an expression of honest satisfaction that, even in his latest work, he treats "the English host" as ranged "in one great solid mass" (p. 154). This is the essential point on which I have insisted throughout.³ "No feature of the great battle is more absolutely beyond dispute";⁴ and it absolutely cuts the ground from under Mr. Archer's feet.⁵

¹ This is also the conclusion of Sir J. Ramsay.

² Feudal England, p. 361.

³ Feudal England, pp. 354-358, 363, 367-8.

⁴ Ibid. p. 358.

⁵ Ibid. pp. 356-358.

ANGLO-NORMAN WARFARE

I may add that the denseness of the English host is similarly grasped by Sir James Ramsay, who has made an independent examination of the battle, and has set forth his interesting and original conclusions in his recently-published 'Foundations of England.' The ground plan of the battle in his work should be carefully compared with that which is found in Mr. Freeman's History. For the two differ so hopelessly that the wholly conjectural character of Mr. Freeman's views on the matter will at once be vividly shown. The bold conclusion of Sir James Ramsay that the English host held only the little plateau at the summit of the Battle hill, is at least in harmony with their dense array, and is very possibly correct.¹

I now turn from battles to castles—those castles which played so prominent a part in Anglo-Norman warfare.

Let us first glance at the moated mound, and then at the rectangular keep. I do not desire, on the moated mound, to commit myself to all Mr. Clark's views; but practical archæologists, I need scarcely say, are aware that the outer works of these most interesting strongholds were normally of horseshoe or crescent form, the mound being "placed on one side of an appended area."² Mr. Oman, while acknow-

¹ For further details on this subject, and a bibliography of the whole controversy, see 'Sussex Archæological Collections,' vol. xlii.

² "Lincoln Castle, as regards its earthworks, belongs to that type of English fortress in which the mound has its proper ditch, and is placed on one side of an appended area, also with its bank and ditch. . . . In general, these fortresses are much alike, and all belong to that class of burhs known to have been thrown up by the English in

THE CASTLE MOUND

ledging in his book, and in the columns of the 'Athenæum,' his indebtedness to Mr. Clark's "admirable account of the topographical details of English castles," describes the old English burhs as "stake and foss in concentric rings enclosing water-girt mounds" (p. 111). I pointed out in the 'Athenæum'¹ that "Mr. Clark, who did more than any one for our knowledge of these burhs, was careful to explain," in his plans,² that their outer defences were not concentric, as Mr. Oman asserts.

Determined never to admit a mistake, Mr. Oman retorted :

Of course, I am quite aware that in many burhs the outer works are not purely concentric ; but the concentric form is the more typical. An admirable example of such a stronghold may be seen on p. 21 of Mr. Clark's book, where he gives the plan of Edward's burh of Towcester built in 921.³

Yet, in dealing with the Norman shell keeps on these "old palisaded mounds," Mr. Oman actually, in his own book, admits, of their "outer defences," that

as a general rule, the keep lies *not in the middle of the space*, but at one end of it, or set in the walls . . . as a general rule the keep stands at one end of the enclosed space, *not in its midst*.⁴

This is the feature of these striking works for which I myself contended, and which, on that account, Mr. Oman at once denied.

As to the Towcester burh, I will place side by side my criticism and Mr. Oman's reply :

the ninth and tenth centuries" (Clark's 'Mediaeval Military Architecture,' ii. 192).

¹ 9th July, 1898. ² Mediaeval Military Architecture, i. 24, 25.

³ Athenæum, July, 1898.

⁴ History of the Art of War, p. 525. The italics are mine.

ANGLO-NORMAN WARFARE

MR. ROUND.

A comparison of the plan on p. 21 with those on pp. 24, 25 will show at once that the former is that of the "water-girt mound" (as Mr. Oman terms it) alone, and contains no "outer works," concentric or other.¹

MR. OMAN.

He states that Towcester burh, as drawn on p. 21 of Mr. Clark's *Mediæval Military Architecture*, is 'a water-girt mound alone, with no outer works, concentric or other.' . . . Apparently Mr. Round cannot read the simplest military sketch; in this map there are clear indications of outer lines other than the mere water. . . . In short, Mr. Round is writing nonsense, and I strongly suspect that he knows it.²

Any archæologist comparing the plans will see at once that my statement is correct, and that the plan (compare the section) shows absolutely nothing beyond the actual ditch of the mound. I offered to submit the question to Mr. St. John Hope's decision,³ but Mr. Oman would submit it to no one but his friend and coadjutor, Mr. York Powell, who is not known as an authority on these works, and who is hostile to myself because I exposed Mr. Freeman!⁴

Having now shown that, in his own words, Mr. Oman "cannot read the simplest military sketch," I pass to the siege of Rochester Castle, famous for its rectangular keep, in 1264. This was an event that deserves attention in a 'History of the Art of War,' for John had breached the keep by mining half a century before, and the stately structure had now to

¹ *Athenæum*, 30th July, 1898.

² *Ibid.*, 6th August, 1898.

³ *Ibid.*, 13th August, 1898.

⁴ The acting editor of the '*Athenæum*' refused to insert my final reply explaining this.

ROCHESTER KEEP BESIEGED

stand an energetic siege at the hands of Simon de Montfort. A striking passage in Rishanger's Chronicle tells us that, advancing from London,

comes autem de Leycestria, vir in omnibus circumspectus, machinas et alia ad expugnationem castri necessaria secum a civitate Londoniarum per aquam et per terram transvehi præcepit, quibus inclusos vehementer impugnavit, nec eos indulgere quieti permisit; exemplum relinquens Anglicis qualiter circa castrorum assultationes agendum sit qui penitus hujusmodi diebus illis fuerant ignari.¹

The barons promptly stormed the 'outer bailey' of the castle (April 19),² and strove desperately to gain the keep, till, a week later, they fled suddenly at the news of the king's advance on London.³ But so vigorous were the siege operations by attack, battery, and mining, that they were on the point of succeeding when they had to raise the siege.⁴

Surely a 'History of the Art of War' should mention the above remarkable allusion to Simon's mastery of siege operations, and to his teaching the English, who were then ignorant of the subject. But all that Mr. Oman tells us is that—

the massive strength of Gundulf's Norman keep was too much for such siege appliances as the earl could employ. The garrison under John de Warenne, the Earl of Surrey, held their own without difficulty (p. 416).

We have seen that, on the contrary, the keep was on

¹ Appendix to 'Ypodigma Neustriæ,' p. 518.

² Flores Historiarum (Rolls), ii. 490.

³ Ibid. p. 491.

⁴ "Ipsi, obsidione turris fortissimæ, quam bellicis insultibus et machinarum ictibus viisque subterraneis expugnatam, fuissent in proximo adepturi, protinus dimissa, Londonias repetierunt" ('Flores Historiarum,' ii. 491). Compare 'Ypodigma Neustriæ,' p. 518.

ANGLO-NORMAN WARFARE

the point of being taken. But what are we to say to the words, "*Gundulf's* Norman keep"? "It was long the custom," as Mr. Clark wrote, "to attribute this keep to Gundulf, making it contemporaneous, or nearly so, with the Tower of London"; but, more than thirty years ago, it was shown by Mr. Hartshorne (in the 'Archæological Journal') that it was built in later days under William of Corbeuil (1126-1136).¹ No one, in the present state of our knowledge, could suppose that Gundulf was its builder; and it is obvious that a writer who does must have yet everything to learn on Norman military architecture.

I must lastly deal as briefly as possible with the subject of knight service. The view of modern historians has been that this was gradually evolved during the Norman period out of a pre-conquestual obligation to provide one armed man for every five hides held. As against this I have advanced the theory² that the whole arrangement was introduced *de novo* at the Conquest, when the Conqueror assessed the fiefs he granted in terms of *the five-knight unit irrespective of hidation*. Put in a less technical form my theory is that the Conqueror called on the holder of every considerable fief to furnish a contingent of five knights, or some multiple of five, to the feudal host.³

¹ Archæological Journal, xx. 205-223 (1863).

² First in the 'English Historical Review' and then in my 'Feudal England.'

³ This was clearly the rule, though there may have been a few exceptions. Compare p. 155 below.

QUOTAS OF KNIGHT SERVICE

And this he did arbitrarily, without reckoning the 'hides' that might be contained in the fief. Further, by the *argumentum ad absurdum*, I showed that if every five hides had to provide a knight, there would be nothing, or less than nothing, left for the tenant-in-chief.¹ It was of this new theory that Professors Pollock and Maitland observe, in their history of English Law (i. 238-9), that they regard it "as having been proved by Mr. Round's convincing papers."

Mr. Oman, however, leans to the now exploded theory, and holds that under Norman rule "the old notion that the five hides must provide a fully armed man was remembered ;² and that though "some lay tenants-in-chief" got off easily, "the majority were obliged to supply their proper contingent."³ He then proceeds :

It has been clearly shown of late, by an eminent inquirer into early English antiquities, that the hidage of the townships was very roughly assessed, and that the compilers of Domesday Book incline towards round numbers.

Now apart from the fact that this "eminent inquirer," my friend Professor Maitland to wit, gives me full credit for having been first in the field⁴—a fact which Mr. Oman, with my book before him, of course carefully ignores—his words show that he cannot understand the simplest historical theory. Professor Maitland and I have dwelt on the antiquity of this assessment, with which "the compilers of Domesday Book" had no more to do than Mr. Oman himself, and which indeed

¹ Feudal England, p. 234.

² History of the Art of War, p. 359.

³ Ibid.

⁴ Domesday Book and Beyond, pp. 450, 451.

the compilation of that book has almost utterly obscured.

From the fact of the five-hide unit Mr. Oman argues "that there was little difficulty in apportioning the military service due from the tenants-in-chief who owned them,"¹ though such apportionment, as I have shown, would result in an actual absurdity.² Indeed, Mr. Oman himself observes that the tenant-in-chief, to discharge his obligation, "might distribute the bulk of his estate in lots roughly averaging five hides to subtenants, who would discharge the service for him,"³ although a moment's consideration will show that this process would absorb not "the bulk," but the whole of his estate.

But all this is insignificant by the side of Mr. Oman's double error on the *vetus feoffamentum*. This begins on p. 359, which is headed "The old 'enfeoffment,'" and which describes the distribution of fiefs by William among the tenants-in-chief. On the next page he writes of "the knights of 'the old enfeoffment,' as William's arrangement was entitled," and proceeds to vouch my 'Feudal England' as his authority for this statement! On the same page we read of the landholder's "*servitium debitum* according to the assessment of the *vetus feoffamentum* of the Conqueror"; and further learn that Henry II.

demand a statement as to the number of knights whom each tenant-in-chief owed as subtenants, how many were under the 'old enfeoffment' of William I., and how many of more recent establishment.

¹ History of the Art of War.

² Feudal England, p. 234.

³ History of the Art of War, p. 360.

THE 'OLD ENFEOFFMENT'

We also read that—

the importance of King Henry's inquest of 1166 was twofold. It not only gave him the information that he required as to the proper maintenance of the *debitum servitium* due under the 'old enfeoffment' of the Conqueror, but showed him how many more knights had been planted out (*sic*) since that assessment (p. 363).

Again, on page 364 we read of "the 'old enfeoffment' of the eleventh century," and the phrase (which Mr. Oman quite properly places within quotation marks) occurs in at least three other passages.

It is quite evident that Mr. Oman imagines the *vetus feoffamentum* to be (1) the original distribution by the Conqueror (2) among the tenants-in-chief. Both ideas are absolutely wrong. For (1) it had nothing to do with "William's arrangement"—which determined the *servitium debitum*, a very different matter; and (2) it referred to the *sub*-enfeoffment of knights by tenants-in-chief. The dividing line between the "old" and the "new" feoffments, was the death of Henry I. in 1135. All fees existing at that date were of the *antiquum feoffamentum*; all fees created subsequently were of the *novum feoffamentum*. This essential date is nowhere given by Mr. Oman, who evidently imagined that the latter were those "of more recent establishment" than "the old enfeoffment of William I."

The frightful confusion into which Mr. Oman has been led by his double blunder is shown by his own selected instance, the *carta* of Roger de Berkeley in 1166. According to him, "Roger de Berkeley owed (*sic*) two knights and a half on the old enfeoffment."¹ Two distinct things are here hopelessly confused.

¹ History of the Art of War, p. 362.

ANGLO-NORMAN WARFARE

(1) Roger "owed" a *servitium debitum* (not of $2\frac{1}{2}$, but) of $7\frac{1}{2}$ knights to the Crown; and his fief paid scutage¹ accordingly in 1168, 1172, and 1190.

(2) Roger "has" two and a half knights enfeoffed under the old feoffment² (that is, whose fiefs existed in 1135), the balance of his *servitium debitum* being, therefore, chargeable on his demesne,³ as no knights had been enfeoffed since 1135.

It is difficult to understand how the writer can have erred so grievously, for it was fully recognised by Dr. Stubbs and by myself ('Feudal England,' pp. 237-239) that 1135 was the dividing point.⁴ It may be as well to impress on antiquaries that fees "*de antiquo feoffamento*" were fees which had been in existence in 1135, at the death of Henry I., just as tenures, in Domesday Book, 'T.R.E.,' were those which had existed in 1066, at the death of Edward; for with these two formulas they will frequently meet. It is the "*servitium debitum*," not the "*antiquum feoffamentum*," which

¹ I use the term, for convenience, in 1168.

² "*Habeo ij milites et dimidium feffatos de veteri feffamento*" ('Liber Rubeus,' p. 292).

³ I may add that Mr. Oman misquotes this *carta* in his endeavour to extract from it support for his error about the 'five hides' (p. 57 above). I place his rendering by the side of the text.

<p>. . . "unusquisque de i virgata. Et ita habetis ij milites et dimidium feodatos."</p>	<p>. . . "only for one virgate each. <i>From them you can make up a knight</i>, and so you have two and a half knights enfeoffed" (p. 362).</p>
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The words I have italicised are, it will be seen, interpolated.

⁴ See also Eyton's 'History of Shropshire,' i. 232, and the 'Cartæ baronum' (1166) *passim*.

GRIEVOUS CONFUSION

"runs back," as Mr. Oman expresses it, to the Conquest.

The result of his confusion is that his account of the origins (in England) of knight service is not only gravely erroneous, but curiously topsy-turvy. This is scarcely wonderful when we find on page 365 that he is hopelessly confused about knights and serjeants, not having grasped the elementary distinction between tenure by serjeanty and tenure by knight service. From what I have seen of the author's account of the battle of Bannockburn, his errors, I imagine, are by no means restricted to the subjects I have here discussed. A curious combination of confidence and unwillingness to admit his mistakes, with a haste or confusion of thought that leads him into grievous error, is responsible, it would seem, for those misconceptions which render untrustworthy, as it stands, his 'History of the Art of War.'

IV

The Origin of the Exchequer

HISTORIANS have rivalled one another in their witness to the extraordinary interest and importance of the twelfth-century Exchequer. "The whole framework of society," writes the Bishop of Oxford, "may be said to have passed annually under its review. . . . The regular action of the central power of the kingdom becomes known to us first in the proceedings of the Exchequer." Gneist insists on "its paramount importance" while "finance is the centre of all government"; and in her brilliant monograph on Henry the Second, Mrs. Green asserts "that the study of the Exchequer is in effect the key to English history at this time. . . . It was the fount of English law and English freedom." One can, therefore, understand Mr. Hall's enthusiasm for "the most characteristic of all our national institutions . . . the stock from which the several branches of the administration originally sprang." Nor does this study appeal to us only on account of its importance. A glamour, picturesque, sentimental it may be, and yet dazzling in its splendour, surrounds an institution possessing so immemorial an antiquity that "Barons of the Exchequer" meet us alike in the days of our Norman kings and in those of Queen Victoria. Its

AN ARCHAIC INSTITUTION

"tellers," at least coeval with the Conquest, were only finally abolished some sixty years ago, while the Chancellor of the Exchequer is believed to represent that "clericus cancellarii" whose seat at the Exchequer of the second Henry was close to that of the official ancestor of the present secretary to the Treasury. Yet, older than these, older even than the very name of the Exchequer, was its wondrous system of wooden tallies, that hieroglyphic method of account which carries us back to a distant past, but which, Sir John Lubbock has observed, was "actually in use at the Exchequer until the year 1824." Of all survivals of an archaic age this was, probably, the most marvellous; it is not easy to realize that even in the present century English officials were keeping their accounts with pieces of wood which "had attained the dimensions, and presented somewhat the appearance, of one of the wooden swords of the South Sea Islanders." It was an almost tragic feature in the passing of "the old order" that when these antique relics were finally committed to the flames, there perished, in the conflagration said to have been thus caused, that Palace of Parliament which, like themselves, had lingered on to witness the birth of the era of Reform.

But what, it may be asked, was the Exchequer, and why was it so named? The earliest answer, it would seem, is that of William Fitz Stephen, who, in his biography of Becket, tells us that, in 1164, John the Marshal was in London, officially engaged "at the quadrangular table, which, from its counters (*calculis*) of two colours, is commonly called the Exchequer

THE ORIGIN OF THE EXCHEQUER

(*scaccarium*), but which is rather the king's table for white money (*nummis albicoloribus*), where also are held the king's pleas of the Crown."¹ The passage is not particularly clear, but I quote it because it is not, I believe, mentioned by Mr. Hall,² and because William Fitz Stephen knew his London well. The questions I have asked above are those which avowedly are answered in the first chapter of the famous 'Dialogus de Scaccario' (*circ.* 1178). I need not, however, repeat in detail the explanations there given, for they should be familiar from the works of Dr. Stubbs and of every writer on the subject. Suffice it to say that while, in shape, the 'Exchequer, with its ledge, as Mr. Hall observes, was not unlike a billiard table, "it derived its name from the chequered cloth" which, says Dr. Stubbs, covered it, and which gave it a resemblance to a chess board (*scaccarium*). Antiquaries have questioned this, as they will question everything; but the fact remains that the symbol of the Exchequer, of which types have been depicted by Mr. Hall, is that which swings and creaks before the wayside 'chequers,' which once, in azure and gold, blazed upon the hill of Lewes, and which still is proudly quartered by the Earl Marshal of England.

In the present paper I propose to consider the origin and development of the institution, and to examine critically some of the statements in the famous 'Dialogus de Scaccario,' of which the authority has hitherto been accepted almost without question.

¹ This allusion has perhaps been somewhat overlooked by legal historians.

² Curiosities and Antiquities of the Exchequer.

ANTIQUITY OF 'BLANCH' SYSTEM

It is alleged that a cruel hoax was perpetrated on the Royal Society by that 'merry monarch' Charles II., who called on its members to account for a phenomenon which existed only in his own imagination. Antiquaries and historians have, with similar success, been hoaxed by Richard the son of Nigel, who stated as a fact in his 'Dialogue on the Exchequer,' that there is no mention of a 'blanch' ferm to be found in Domesday Book. Richard proceeded to infer from this that those who spoke of 'blanch' ferm existing before the Conquest must be mistaken.¹

Dr. Stubbs actually accepts the statement that "the blanch-ferm is not mentioned in Domesday," but declares that Stapleton, in his well-known argument,² has clearly shown it to have had "its origin in a state of things that did not exist in Normandy, and was 'consequent upon the monetary system of the Anglo-Saxons.' The argument," he writes, "is very technical, but quite conclusive." Sir James Ramsay also, though writing as a specialist on finance, contents himself with citing Stapleton, through Stubbs, and with adding a reference to "white silver" in the Laws of Ælfred,³ and ignores the evidence in Domesday Book.

Now the index to the Government edition of

¹ "Videtur autem eis obviare qui dicunt album firmæ a temporibus Anglicorum cœpisse, quod in libro judiciario in quo totius regni descriptio diligens continetur, et tam de tempore regis Edwardi quam de tempore regis Willelmi sub quo factus est, singulorum fundorum valentia exprimitur, nulla prorsus de albo firmæ fit mentio" ('Dialogus,' I. vi.).

² Rot. magni Scacc. Norm., I. xv.

³ The Foundations of England, i. 524; ii. 324.

THE ORIGIN OF THE EXCHEQUER

Domesday is a very imperfect production, but we need travel no farther than its pages to discover that there is no difficulty to solve; for the "alba firma" is duly entered under an Isle of Wight manor (i. 39 *b*). Moreover, we read on the same folio of "lx solidos albos" and "xii libras blancas" in a way that suggests the identity of the two descriptions. But, further, we find, scattered over Domesday, 'Libræ albæ,' 'blancæ,' and 'candidæ,' together with 'libræ de albis denariis' or 'de candidis denariis,' and 'libræ alborum nummorum' or 'candidorum nummorum.' The 'blanch' system, therefore, was already quite familiar. This, however, is not all. On the folio mentioned above (i. 39 *b*) we read of another manor: "T. R. E. xxv lib. ad pensum et arsuram." This can only refer to that payment in weighed and assayed money, the method of which is described in the 'Dialogue' under 'Quid ad militem argentarium' and 'Quid ad fusorem' (I. vi.). All this elaborate system, therefore, must have been already in operation before the Conquest.

But the 'Dialogue' asserts in its next and very remarkable chapter—"A quibus vel ad quid instituta fuerit argenti examinatio"—that this system was first introduced by the famous Roger, bishop of Salisbury, the writer's great-uncle, after he had sat at the Exchequer for some years, and had discovered the need of introducing it.¹ Between this statement and the

¹ "Ubi cum per aliquos annos persedisset, comperit hoc solutionis genere non plene fisco satisfieri: licet enim in numero et pondere videretur satisfactum, non tamen in materia . . . Ut igitur regiæ simul et publicæ provideretur utilitati, habito super hoc ipso regis consilio, constitutum est ut fieret ordine prædicto firmæ combustio vel examinatio" ('Dialogue,' I. vii.).

AUTHORITY OF THE 'DIALOGUS'

evidence of Domesday the contradiction is so absolute that a grave question at once arises as to the value of the writer's assertions on the early Norman period. Like the men of his time, he revelled in texts, and loved to drag them in on every possible occasion. One is, therefore, only following his example in suggesting that his guiding principle was, "I magnify my office." The greatness and the privileges of a seat at the Exchequer were ever present in his mind. But to this he added another principle, for which insufficient allowance, perhaps, has hitherto been made. And this was, 'I magnify my house.' Nor can one blame the worthy treasurer for dwelling on his family's achievements and exalting his father and his great-uncle as the true pillars of the Exchequer. He was perfectly justified in doing this ; but historians should have been on their guard when he claims for Bishop Roger the introduction of a system which Domesday Book shows us as already in general operation.¹

Enlightened by this discovery, we can more hardily approach a statement by the writer in the same chapter, which has been very widely repeated. One need only mention its acceptance by such specialists as Stapleton, in his work on the Norman Exchequer, and Mr. Hubert Hall, who, in his work on the 'Antiquities and Curiosities of the Exchequer,' refers to it four times.² He first tells us that

¹ "Libræ arsæ et pensatæ," "Libræ ad arsuram et pensum," "Libræ ad pensum et arsuram," "Libræ ad pondus et arsuram," "Libræ ad ignem et ad pensum," etc.

² Even Sir James Ramsay, though rightly sceptical as to the attribution of certain innovations, by the writer of the 'Dialogus,' to Bishop Roger, holds that "the revenues of the Anglo-Saxon kings

THE ORIGIN OF THE EXCHEQUER

for half a century after the Conquest there could have been very little need of a central treasury at all, since the greater part of these provisions formed an intrinsic portion of the revenue itself . . . which was still payable in kind. This point is both important and interesting, and has been hitherto somewhat overlooked by economic writers. The fact (which is probable enough in itself) rests on high authority—that of the famous treasurer of the first two Plantagenet kings (p. 4).

Again, he writes on p. 161 :

We have seen that in the earliest times—previously, that is, to the reorganization of the Exchequer under Henry I.—the revenue of the sovereign was answered in two forms, namely, in specie and in kind; the former drawn from judicial fines and farms of towns, and the latter rendered, at an arbitrary assessment, by the cultivators of the royal demesne.¹

The passage itself in the 'Dialogus,' which Mr. Hall translates *in extenso* (pp. 180–182), requires careful examination. The "high authority" of which he speaks proves to be, in fact, only tradition, for the opening words of the passage run : "Sicut traditum est a patribus." Now one would not strain unduly the words of the Dialogue's author, but his meaning may be fairly understood to be that the rents of the royal demesne were not only paid in kind (for that he clearly asserts), but were also valued in kind alone. For he thus describes the change introduced under Henry I. :

Destinavit [rex] per regnum quos ad id prudentiores et discretiores cognoverat, qui circueuntes et oculata fide fundos singulos perlustrantes, habita æstimatione victualium, quæ de hiis solvabantur, redegerunt in summam denariorum.

were to a considerable extent paid in kind; and so they were down to the time of Henry I., who abolished the practice, establishing money payments in all cases" (i. 525).

¹ Cf. p. 205.

COMMUTATION OF FOOD RENTS

This can only imply the substitution of a money valuation for a rent payable in kind. And yet we have to go no further than this very chapter to learn that these rents had previously been reckoned in money (not in kind). For if, as stated in the note below, they had, when they were paid in kind, to be reduced by the king's officers to a money standard, it could only be because their amounts were due, not in kind, but in money.¹ Fortunately, however, we are not dependent on this obvious contradiction, for the evidence of Domesday makes it certain that, just as the assay was employed under the Conqueror, and indeed under the Confessor, instead of being first introduced under Henry I., so the valuation in money of the rents from the royal demesne was not a reform effected, as alleged, by the latter king, but was the rule under William I.; and, indeed, almost as much the rule before the Conquest.² We gather from Domesday that the Conqueror advanced the commutation of the old "*firma unius diei*," etc., for a sum of money; but even under his predecessor there were only a few localities in which the archaic system had lingered on.

I have said something in 'Feudal England'³ of the

¹ "Hiis vero solutis secundum constitutum modum cujusque rei, regii officiales computabant vicecomiti *redigentes in summam denariorum*: pro mensura scilicet tritici ad panem c hominum, solidum unum," etc., etc.

² Compare my remarks on the quick growth, in those days of erroneous tradition, in 'Studies on the Red Book of the Exchequer,' p. 77.

³ pp. 109-115. Professor Maitland has subsequently spoken of it in two or three passages of 'Domesday Book and Beyond.'

THE ORIGIN OF THE EXCHEQUER

"Firma unius noctis," and I would now add to the evidence that I there adduced on this curious and interesting subject.

In Devonshire we meet with a singular feature, which, I think, has escaped attention. Exeter, we read, "reddit xviii. lib. per annum." I have elsewhere¹ discussed this payment, and shown that it was strangely small; but I now proceed to a new point, namely, that the figure 18 may prove highly significant. Lidford, Barnstaple, and Totnes, we read,² "rendered" between them the same amount of (military) service as Exeter "rendered"; and this service was equally divided between them.³ Now, if we turn from the service to the payments made by this group of boroughs, we find that the "render" of each was £3 a year, so that the whole group paid £9, exactly half the "render" of Exeter.⁴

If we follow the clue thus given us, and turn to the manors which Queen Edith and Harold's mother and Harold himself had held, but which, in 1086, had passed to the king,⁵ we find these remarkable figures: £15, £30, £45, £18, £48, £1½, £48 (formerly £23), £2, £6, £23 (formerly £18), £24, £3, £18,

¹ "The Conqueror at Exeter" ('Feudal England').

² D. B., i. 108.

³ D. B., i. 108.

⁴ Barnstaple rendered forty shillings 'ad pensum' to the king, and twenty 'ad numerum' to the bishop of Coutances; Lidford sixty 'ad pensum'; Totnes "olim reddebat iii lib. ad pensum et arsuram," but, after passing into private hands, its render was raised to "viii lib. ad numerum." Exeter itself 'rendered' £6 "ad pensum et arsuram" to the king, and £12 'ad numerum' for Queen Edith.

⁵ D. B., i. 100 b-101.

£3, £18, £12, £18, £24, £4 (?), £24, £1 (?), £7, £6, £6, £12, £8, £2, £3, £18, £20 (formerly £24). It is evident enough that these "renders" are based on some common unit, like the 'renders' of the comital manors in Somerset.¹ Moreover, we can trace, in Cornwall, something of the same kind. The manor of royal demesne which heads its survey "reddit xii lib. ad pondus et arsuram,"² and this is followed by renders of £8, £5, £6, £3 ('olim'), £18, £6, £3, £7, £6, £6, £4, £5. Even a 'render' of £8 was duodecimal in a way; for on fo. 121 b it occurs four times as £8 and thrice as "xii markæ."

Not only is the rent of these manors distinguished from that of those in private hands by the form 'reddit,' instead of 'valet,' but the render is stereotyped, being normally unchanged, while the 'valet' ever fluctuates. The explanation I suggest for these archaic "renders" is that they represent the commutation of some formerly existing payment in kind similar to the "firma unius noctis." If the unit of that payment was commuted at a fixed rate, it would obviously produce that artificial uniformity of which we have seen the traces in Devon and Cornwall. We may thus penetrate behind these "renders" to an earlier system then extinct.

This conclusion is confirmed, I think, by some striking instances in Hampshire.³ Of 'Neteham' we read, "T.R.E. et post valuit lxxvi lib. et xvi sol. et viii den." (i. 38); and of 'Brestone,' similarly, "T.R.E. et

¹ Feudal England, p. 115.

² D. B., i. 120.

³ Cf. Feudal England, pp. 109-110.

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post valuit lxxvi lib. et xvi sol. et viii den." (i. 38 b). The explanation is found in these two entries on the latter fo. :

Bertune. De firma regis E.	Edlinges. Hoc manerium red-
fuit, et dimidiam diem firmæ	didit dimidiam diem firmæ
reddidit in omnibus rebus . . .	T.R.E. . . . T.R.E. valebat
T.R.E. valebat xxxviii lib. et	xxxviii lib. et viii sol. et iiii
viii sol. et iiii den.	den.

That is, I take it that the half-day's ferm "rendered" T.R.E. was worth £38 8s. 4d., so that the two other manors, for each of which the sum was £76 16s. 8d., must originally have rendered a whole 'firma.' This gives us the value of the 'firma' for the other Hampshire manors which "rendered."¹

We will now return to the 'Dialogus' and its statements on the "firma comitatus."

It is distinctly asserted, in the above passage, that the 'firma comitatus' only dated from this reform under Henry I.² This is at variance with the strong evidence set forth in my 'Geoffrey de Mandeville,' that Geoffrey's grandfather, who was dead before this alleged reform, held Middlesex, Essex, and Herts at farm, the very amount of the farm due from him being mentioned. But, indeed, in Domesday itself there are hints, if not actual evidence, that the 'firma' was more or less in existence. In Warwickshire, for instance, "T.R.E. vicecomitatus de Warwic cum burgo et cum regalibus Maneriis red-

¹ Feudal England, pp. 109-110.

² After the above passage, the author proceeds: "De summa vero summarum quæ ex omnibus fundis surgebant in uno comitatu, constituerunt vicecomitem illius comitatus ad scaccarium teneri" (i. 7).

THE KING'S 'FERM' IN DOMESDAY

debat lxx libras," etc., etc. In Worcestershire, also, "vicecomes . . . de Dominicis Maneriis regis reddit cxxiii lib. et iiii sol. ad pensum." Here we have exactly that "summa summarum" of which the 'Dialogus' speaks as a novelty introduced under Henry I.¹ Again, in at least one passage (i. 85), we recognise a distinct allusion to the "terræ datæ" system :

De hoc Manerio tenet Giso episcopus unum membrum WETMORE quod ipse tenuit de rege E. Pro eo computat Willelmus vicecomes in firma regis xii lib. unoquoque anno.

Now we know the history of this manor, which had been detached from the royal demesne about a quarter of a century before, when Edward gave it to bishop Giso on his return from his visit to Rome. It follows, therefore, that £12 must have been, ever since, annually credited to the sheriff, in consideration of the Crown having alienated this manor.² We thus carry back to a period before the Conquest that Exchequer practice of the 12th century, which is thus alluded to in Stephen's charter to Geoffrey earl of Essex (1141) :

Ita tamen quod dominica quæ de prædictis comitatibus data sunt . . . a firma prædicta subtrahantur et . . . ad scaccarium computabuntur."³

¹ A Devonshire manor (i. 100 *b*) is entered as rendering "in firma regis x solidos ad pensum." This "firma" can only be a collective ferm from the royal manors.

² I do not wish to press the point further than the entry proves, and consequently I leave undetermined the question whether the 'firma regis' was that of the whole shire, or merely that of the head manor to which Wedmore belonged.

³ Geoffrey de Mandeville, p. 142.

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I hasten to add that the Charter of Constance, the Conqueror's daughter, quoted by Stapleton from the Cartulary of Holy Trinity, Caen, affords an exact parallel in the words: "*et ei computabitur in suo redditu cum dica.*" But the fact remains that we can prove the existence, under Edward the Confessor, of characteristic features of the later Exchequer system, of which one, at least, as Stapleton explained, must have been of English origin.

What then was the change that took place on the introduction of the Exchequer? How did it modify the system previously in existence? Our only clue is found in the well-known words of the 'Dialogus': "*Quod autem hodie dicitur ad scaccarium, olim dicebatur ad taleas.*" Writing as a specialist on Exchequer history, Mr. Hall contends that "this expression in itself denotes the actual place of receipt and issue of the revenue rather than a court or council chamber."¹ But one cannot see that 'scaccarium' in itself denotes a court or council chamber more than does 'talea.' The one was a chequered table, the other a wooden tally. My own view is that the change really consisted of the introduction of the chequered table² to assist the balancing of the accounts. Previously, tallies alone would be used, and

¹ History and Antiquities of the Exchequer, p. 63.

² It was vehemently asserted by Mr. Hubert Hall, in his earlier papers on the Exchequer, that the table was only divided into columns, and that the chequered table was a delusion. He has subsequently himself accepted the "chequered table" (see my 'Studies on the Red Book,' p. 76), but Sir James Ramsay (ii. 324) has been misled by his original assertion.

CHEQUERED TABLE INTRODUCED

it is noteworthy that even after the 'Exchequer' system was in full operation, the deduction for the loss involved by 'combustion' was still effected by tally.¹ I have little doubt that the 'combustion' tally was in use in the 11th century for payments "*ad arsuram et pensum.*"

Instead, then, of the sheriffs' accounts being balanced by the cumbrous system of tallies, the introduction of the Exchequer table, very possibly under Henry I., enabled them to be depicted to the eye by an ingenious system of counters. To the modern mind it is strange, of course, that, while the reformers were about it, they did not substitute parchment, and work out the accounts on it. But, doubtless for the benefit of unlearned sheriffs, the old system of ocular demonstration was still adhered to, and the Treasurer's Roll merely recorded the results of the 'game' by which the accounts had been worked out upon the table.

Mr. Hall's belief is best set forth in an article he contributed to the 'Athenæum' (November 27, 1886), and of which he reprinted this passage, subsequently, in 'Domesday Studies' (1891):

There is every reason for believing that the audit machinery of the ancient Treasury at Winchester was sufficient for the purpose. . . . It is true, indeed, that the earliest germ of the Exchequer is perceptible in these accounts, which were, however, audited not '*ad scaccarium*,' but '*ad taleas*,' *i.e.* in the Treasury or Receipt at Winchester. . . . We find in the Pipe Rolls the old Treasury at Winchester used as a permanent storehouse for the reserve of

¹ "*Sciendum vero quod per hanc taleam combustionis dealbatur firma vicecomitis; unde in testimonium hujus rei semper majori taleæ appensa cohæret*" ('Dialogus').

THE ORIGIN OF THE EXCHEQUER

treasure, regalia, and records, and we even find Exchequer business transacted there by way of audit of accounts, which formed a special office or 'ministerium' as late as 1130 (Pipe Roll 31 Hen. I.).¹

The purchase of the 'ministerium thesauri Wintoniæ,' recorded in the Pipe Roll of 1130,² does not affect the question of audit. There can be no question that the national Treasury, in 1130, was at Winchester, or that the Treasurer's official residence was there also.³ The really important passages on the roll, passages which I venture to think have been generally misunderstood, are these :

Et in præterito anno quando comes Glocestriæ et Brientius filius Comitis audierunt compotum de thesauro apud Wintoniam.

De istis habuit Willelmus de Pontearc' xxx li., de quibus reddidit compotum quando comes Glocestriæ et Brientius audierunt compotum de thesauro apud Wintoniam.

It has been assumed that these entries refer to the Exchequer business of balancing the sheriffs' accounts, and Madox even went so far as to draw the conclusion, from their wording, that, at the time of the Roll, Brian Fitz Count was Treasurer. The true meaning was exactly contrary, and an interesting allusion is thus obscured.

For the Pipe Rolls do not, as is sometimes imagined, display the national accounts. They probably do not exhaust the receipts (for some, it is believed, were paid 'in camera'), and they certainly only record a portion of the royal expenditure. What became of the money which is so continually entered as paid

¹ pp. 523-4.

² p. 105.

³ "Henricus thesaurarius," the Domesday tenant (49), is entered in the earlier Winchester survey *temp.* Hen. I.

AUDIT OF THE TREASURY

'in Thesauro'? It found its way into the national treasury, whence it was paid out as was required by writ of 'Liberate' addressed to the Treasurer and chamberlains.¹ Of these outgoings, in the 12th century, there is, it would seem, no record; but they were certainly audited from time to time, the king calling on the Treasurer to account for the money in his charge, as, at the Exchequer, the Treasurer himself had called on the sheriffs to account for the sums for which they were liable. To this 'generalis compotus,' associated with the Winchester Treasury, there are, in the 'Dialogus,' several allusions which may have been somewhat overlooked.

Quod thesaurarius a vicecomite compotum suscipiat, hinc manifestum est, quod *idem ab eo cum regi placuerit requiritur*. . . . Sunt tamen qui dicunt thesaurarium et camerarios obnoxios tantum hiis quæ scribuntur in rotulis 'in thesauro,' ut *de hiis compotus ab eis exigitur* (i. 1).

Raro inquam, hoc est, *cum a rege, vel mandato regis, a magnis regni*² *compotus a thesaurario et camerariis regni totius recepta suscipitur* (i. 5).

Thesaurarius et camerarii, nisi regis expresso mandato vel præsentis justiciarii, susceptam pecuniam non expendant: oportet enim ut habeant auctoritatem rescripti regis de distributa pecunia, *cum ab eis compotus generalis exigitur* (i. 6).

[De combustionem]. . . . ut de summa ejus *thesaurarius et camerarii respondeant* (ib.).

These are sufficient allusions to the Treasury, as distinct from the Exchequer, account. I invite particular attention to this Treasury audit, because, so far as I can find, it has hitherto escaped notice. The

¹ One such writ, still preserved, is printed in my 'Ancient Charters' (Pipe Roll Society). It belongs to 1191.

² See below.

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second extract refers to the use of the £10,000 space on the chequered table, and therefore proves the use of such a table for the Treasury account as well.

Now my point is that the earl of Gloucester and Brian 'Fitz Count,' in 1130, were magnates (*magni regni*) delegated by the king, as described in the second passage,¹ to audit the Treasurer's account. And this view is confirmed by the fact that William de Pont de l'Arche, who here accounts to them, is styled by Dr. Stubbs "the Treasurer," and is, in any case, subsequently described as "custos thesaurorum regalium." Their mission had nothing, I hold, to do with that audit of the sheriffs' accounts, which was the annual function of the Exchequer.

There is a remarkable entry on the roll of 1187 which alludes to an overhauling of the national treasure at Winchester, at the beginning of that year, the date proving that it was wholly unconnected with either session of the Exchequer :

Et in custamento numerandi et ponderandi thesaurum apud Wintoniam post Natale, et pro forulis novis ad reponendum eundem thesaurum et pro aliis minutis negociis ad predictum opus, etc.
. . . Et pro carriando thesauro a Wintoniâ ad Saresburiam et ad Oxinford' et ad Geldeford' et ad plura loca per Angliam
£4 8s. 3d.

One might compare with these phrases the 'Dialogus' language as to the knights, 'qui et camerarii dicuntur, quod pro camerariis ministrant.'

Item officium horum est numeratam pecuniam, et in vasis ligneis per centenos solidos compositam, ponderare, ne sit error in numero, tunc demum in forulos mittere, etc. (i. 3).

¹ I punctuate it differently from Dr. Stubbs.

THE TREASURY AT WINCHESTER

Also the description of the usher's office :

Hic ministrat forulos ad pecuniam reponendam, etc. (ib.).

But the latter part of the entry (which is duly quoted by Eyton¹) is also of much importance. For in Mr. Hall's work, under 1187, we only read, 'Treasure conveyed abroad from Winchester.'²

It is an essential part of Mr. Hall's theory, which makes the "Westminster Treasury . . . the principal Treasury of the kingdom,"³ that the Winchester Treasury was merely "an emporium in connection with the transport of bullion (and especially of the regalia and plate), as well as other supplies, *viâ* Southampton, or other seaports, to the Continent."⁴ But the above passage shows us, on the contrary, treasure sent thence to Salisbury, Oxford, and Guildford. It is manifest that treasure, despatched from Westminster to Oxford or Guildford would not be sent *viâ* Winchester. From this it follows that Winchester was still a central Treasury, and not a mere 'emporium' *en route* to the south. It is certain that under Henry I., some sixty years before, the session at Westminster of the Barons of the Exchequer did not, as Stapleton observed, affect the position of the national Treasury at Winchester. It is, then, equally certain that the money received at that session must have been duly transmitted to the Winchester Treasury. For that was where the treasure (in coined money) was kept when Stephen succeeded at the close of 1135.

The whole difficulty has arisen from Mr. Hall's

¹ Itinerary, p. 275.

² Antiquities of the Exchequer, p. 15.

³ Ibid. p. 16.

⁴ Ibid.

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inability to distinguish between the 'Receipt' at Westminster, where the money was paid in, and the national Treasury at Winchester in which it was permanently stored. This is, roughly speaking, like confusing a man's investments with his balance at his bankers. The steadily growing importance of Westminster and the concurrent decadence of Winchester led, of course, eventually, to the shifting of the central Treasury, but at the time of the 'Dialogus,' in the days of Henry II., it is clear that the Exchequer was not looked on as the seat of a permanent Treasury. For the storage of treasure is always implied by the payment for the light of the night watchman; and as to the watchman and his light, the evidence of the 'Dialogue' is clear:

Vigilis officium idem est ibi quod alibi; diligentissima scilicet de nocte custodia, thesauri principaliter, et omnium eorum quæ in domo thesauri reponuntur. . . . Sunt et hiis liberationes constitutæ *dum scaccarium est, hoc est a die qua convocantur usque ad diem qua generalis secessio.* . . . Vigil unum denarium. Ad lumen cujusque noctis circa thesaurum, obolum (i. 3).

There is absolutely no escaping from these words: a watchman is only provided for the treasure "while the Exchequer is in session"; its treasury is temporary, not permanent. The whole passage, as it seems to me, is absolutely destructive of Mr. Hall's hypothesis of "the existence of a permanent financial staff under the Treasurer and chamberlains of the Exchequer at Westminster."¹

The change from the "Treasury" to the "Exchequer" was, I hold, a gradual process. Careful

¹ Ibid. p. 66.

A DEVELOPMENT OF THE TREASURY

study of the annual revenues bestowed by our sovereigns on the foreign houses of Tiron, Fontevrault, and Cluny¹ proves clearly how insensibly the "Treasury at Winchester" was superseded by the "Exchequer at London" as the place of payment. This is especially the case with Tiron, where Henry I.'s original grant, made about the middle of his reign, provides for payment "de thesauro meo, in festo Sancti Michaelis, *Wintonie*."² Under Richard I. this becomes payable "at Michaelmas from his exchequer at London."³ Documents between the two show us intermediate stages.

Precisely the same gradual process is seen in the parallel development of the chamberlainship of the "Exchequer" from that of the "Treasury." Just as Henry II., shortly before his accession, confirmed the grant to Tiron as "de thesauro *Wintonie*,"⁴ so he restored to William Mauduit, at about the same time, "*camerariam meam thesauri*," which office was held by his descendants as a chamberlainship of the *Exchequer*.

The 'Dialogus' shows us the Treasurer and the two chamberlains of the Exchequer as the three inseparable Treasury officers. Domesday connects the first with Winchester by showing us Henry "thesaurarius" as a tenant-in-chief in Hampshire. I propose to show that it also connects one of the chamberlains with that county. In that same invaluable but unprinted charter of which I have spoken

¹ See my 'Calendar of Documents Preserved in France.'

² Ibid. p. 354.

³ Ibid. p. 355.

⁴ Ibid. p. 354.

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above, which was granted at Leicester (1153) to William Mauduit, Duke Henry says :

Insuper etiam reddidi eidem camerariam meam thesauri cum liberatione¹ et cum omnibus pertinentibus, castellum scilicet de Porcestre ut supradiximus, et omnes terras ad predictum camerariam et ad predictum castellum pertinentes, sive sint in Anglia sive Normannia, sicut pater suus illam camerariam cum pertinentibus melius habuit et sicut Robertus Maledoctus frater suus eam habebat die quo vivus fuit et mortuus.

This carries back the 'cameraria thesauri' ('*illam camerariam*') to the Domesday tenant, whose son Robert occurs in the earlier Winchester Survey, and, though dead in 1130, is mentioned on the Roll of that year (p. 37), in connection with the Treasury in Normandy.

The history of Porchester, in the Norman period, has yet to be worked out. Mr. Clark, for instance, tells us that the castle was "always in the hands of the Crown,"² yet we find it here appurtenant to the chamberlainship, and in Domesday (47 *b*) it was a 'manor' held by William Malduith. The above charter, in my opinion, was one of those which Duke Henry granted without intending to fulfil.³ Porchester had clearly been secured by the Crown, and Henry was not the man to part with such a fortress. Of William Mauduith's Domesday fief, Hartley Mauditt ('Herlege') also was held by the later Mauduits ;

¹ See the 'Constitutio domus Regis' :—"Willelmus Maudut xiiii *d.* in die, et assidue in Domo Commedet," etc. etc. He comes next to the Treasurer.

² Mediæval Military Architecture, ii. 400.

³ See my "King Stephen and the Earl of Chester" ('English Historical Review,' x. 91).

CHAMBERLAINSHIP OF THE EXCHEQUER

but they held it still "per serjanteriam camar[ariæ] Domini Regis"¹ or "per camerariam ad scaccarium."²

It should be added that the other chamberlainship of the Exchequer was similarly a serjeanty associated with land. It cannot, however, be carried back beyond 1156, when Henry II. bestowed on Warin Fitz Gerold, chamberlain, lands in Wiltshire worth £34 a year, and in Berkshire to nearly the same amount.³ The former was the chamberlainship estate, and reappears as Sevenhampton (near Highworth) in his brother's *carta* (1166), where it is expressly stated to have been given to Warin by the king.⁴ It was similarly held by his heir and namesake (with whom he is often confused), under John,⁵ and by the latter's heir, Margaret 'de Ripariis,' under Henry III.⁶

This estate must not be confused with that of

¹ Testa de Nevill., 231.

² Ibid. 235 ; and 'Red Book of the Exchequer,' p. 460.

³ Pipe Roll 2 Hen. II. See 'Red Book of the Exchequer,' p. 664 :—"Garino filio Geroldi xxxiiij lib. bl. in Worde." Although the subject is one of special interest for the editor, he does not index Garin's name here at all, while he identifies "Worde" in the Index (p. 1358), as "Worthy" (Hants), though it was Highworth, Wilts.

⁴ Red Book of the Exchequer, pp. 355, 356.

⁵ "Garinus filius Geroldi Suvenhantone, per serjanteriam cameræ (sic) Regis" (Ibid. p. 486). (Should 'cameræ' be 'camerariæ'?). Also "ut sit Camerarius Regis" ('Testa,' p. 148).

⁶ "Margeria de Ripariis tenet villam de Creklade de camar[aria] domini regis ad scaccarium: Eadem Margeria tenet villam de Sevenha[m]pton cum pertinentiis de domino rege per predictum servitium" ('Testa de Nevill.,' p. 153).

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Stratton, Wilts, which was bestowed by John (to whom it had escheated) on the later Warin Fitz Gerold, to hold at a fee-farm rent of £13 a year.¹ It is necessary to make this distinction, because Mr. Hall, in dealing with the subject, speaks of it as "held apparently by the Countess of Albemarle as pertaining to the (*sic*) chamberlainship of England" (*sic*).² On the same page he speaks of a deed, on page 1024 of the same volume, whereby she "secures to Adam de Stratton, clerk, an annuity of £13, charged on the farm of Stratton." Reference to page 1024 shows that, on the contrary, what she did was to make herself and her heirs responsible to the Exchequer for the annual £13, which *was* "the farm" of Stratton (so that Adam might hold Stratton quit therefrom). This is a further instance of Mr. Hall's unhappy inability to understand or describe accurately the documents with which he deals.³

I have now traced for the first time, so far as I can find, the origin of the two chamberlainships of the Exchequer. That of Mauduit can be traced, we see, to a chamberlainship of the 'Treasury,' existing certainly under Henry I., and possibly under the Conqueror. Of the other the existence is not proved before 1156. Both, I have shown, were associated with the tenure of certain estates.

It is very strange that, in his *magnum opus*,⁴ Madox

¹ See 'Red Book of the Exchequer,' and 'Testa de Nevill.'

² Red Book of the Exchequer, p. cccxv.

³ For a similar misdescription of the document preceding it see my 'Studies on the Red Book of the Exchequer,' p. 61.

⁴ History of the Exchequer.

STANDARDS OF PAYMENT

not only ignores, it would seem, this descent of the office with certain lands, but gives a most unsatisfactory account of those who held the office, confusing it, clearly, with the chamberlainship of England, and not distinguishing or tracing its holders.

For the different standards of payment in use at the Exchequer, our authority, of course, is the 'Dialogus,' but the subject, I venture to think, is still exceedingly obscure. Even Mr. Hall, who has studied so closely the 'Dialogus,' seems to leave it rather doubtful whether payment in 'blank' money meant a deduction of 6*d.* or of 12*d.* on the pound.¹ It will be best to leave the 'Dialogus' for the moment, and take an actual case where the charters and the rolls can be compared, and a definite result obtained.

In Lans. MS. 114, at fo. 55, there is a series of extracts transcribed from a Register of Holy Trinity (or Christchurch) Priory, London, in which are comprised the royal charters relating to Queen Maud's gift of two-thirds of the revenues (*ferm*) of Exeter. First, Henry I. confirms it, late in his reign,² as "xxv libras ad scalam," the charter being addressed to William bishop of Exeter, and Baldwin the sheriff (*sic*). Then we have another charter from him addressed "Rogero episcopo Sar[esbiriensi] et Baronibus Scaccarii," and witnessed, at Winchester, by Geoffrey de Clinton, in which it is "xxv libras blancas." Stephen's charter follows, addressed to

¹ Antiquities of the Exchequer, pp. 144-6, 165, 167.

² At Portsmouth, the witnesses being Geoffrey the chancellor, Nigel de Albini, and Geoffrey de Clinton.

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William bishop of Exeter, and Richard son of Baldwin, the sheriff, in which again we have "xxv lib. ad scalam." Lastly, we come to an important entry that seems to have remained unknown :

In 1180, on St. Martin's Day, king Henry issued (*fecit currere*) his new money, in the 26th year of his reign, and as the sheriff of Exeter (*Exon'*) would not pay the prior of Christchurch, for Michaelmas term, £12 16s. 3*d.* "*secundum pondus blancum*," Prior Stephen obtained from the king the following writ.

Then follows a writ which clearly belongs not to 1180, but to an earlier period. It is addressed "prepositis et civibus Exonie," and directs that the canons are to enjoy their rents as in his grandfather's time ('*Teste Manessero Biset dapifero, apud Wirecestriam*'). Next comes a passage so important that it must be quoted in the original words, although, like the whole of the transcript, it seems slightly corrupt.

Comperuit igitur Paganus attornatus vicecomitis predicti in Scaccario, ubi inspecto Rotulo Regis in quo continebatur carta predict[i] r[egis] Quod ecclesiam Christi London debere habere predictos denarios blancos et ad scalam id est ad pondus qui fuerint meliores in pondere quam illa nova moneta per vi s. iii *d.* pro termino sancti Mich. arch. predicto. Et sic predictus prior et conventus haberent quolibet anno xii s vi *d.* de incremento, xxv li. blanc. prout patet in carta sequenti.

The writ of the earl of Cornwall, in 1256, which follows, is obviously out of place for our period. Lastly, the canons record the triumph of their case thus :

Perlecta ista carta, constitutus est dies priori Stephano ad petitionem Pagani clerici gerentis vices vicecomitis Exonie a Justicia idem cancellario et baronibus scaccarii ut innotesceret causam istam vicecomiti predicto. Et sic predicti prior et con-

THE EXETER CASE

ventus recipere predictos xii li. xvi s iii d. infra xii dies natalis domini de tali moneta qualis tunc curreret. Et ibidem (*i.e.* inde) fuerunt plegii Radulphus de Glanvilla tunc Justicia Regis et Rogerus filius Reinfridi et Alanus de Furnellis, coram hiis testibus Gaufrido episcopo Eliensi; Ricardo thesaurario Regis, postea episcopo Londoniensi; Roberto Mantello; Michaeli Belet; Edwardo clerico; Elia hostiario, et multis aliis. Ad terminum vero predictum Willelmus, vicecomes Exonie, de (*sic*) Br[iwerre], etc.

So at length the prior received the full amount "numeratos, blancos, ad scalam, tales (eis) quorum xx solidi numerati fecerunt libram Regis."

Corrupt though the text in places is, the outline of the story is clear enough, and is supported by such record evidence as survives. The local authorities, clearly, were directed to pay the canons £25 "ad scalam" annually, "hoc est," says the 'Dialogus,' "propter quamlibet numeratam libram vi d." This is fully borne out by the Pipe Rolls which both in 1130 and under Henry II. record the annual payment as £25 12s. 6d. "numero." When the new coinage became current in 1180, the local authorities evidently claimed that as they had to pay in standard coin, they ought no longer to be liable for the 12s. 6d. excess which they paid under the old system. The case, however, was given against them, apparently on the ground that they were liable for 6d. additional on every "numbered" pound, irrespective of the quality of the coin.

The difficulty is created by the use of the term "blancos" throughout as equivalent to "ad scalam," an equation which is certainly found in the text of the charters. It will, however, be better to discuss this point when dealing with the blanch system as a whole.

THE ORIGIN OF THE EXCHEQUER

Before leaving the above case, we should notice, first, that the crown had a 'roll,' on which were recorded such charters as this of Henry I. I do not remember mention of such a roll elsewhere. The question irresistibly suggests itself whether we have not here the origin of those "Cartæ Antiquæ," of which the existence, I am given to understand, has ever yet been accounted for. On turning to these most interesting records we find that Roll N commences with twenty-three charters to Holy Trinity Priory, all of them previous to the middle of Henry II.'s reign. They are transcribed in a hand of the period, those which follow being later additions. It seems to me, therefore, that in this "Roll N" we may have the actual "Rotulus Regis," produced in court before Glanville, which contained, as does "Roll N," the charter of Henry I.

It would seem probable that such charters were already kept in the Treasury, for reference, under Henry I., though not as yet enrolled. For a writ of the latter king, addressed to Richard son of Baldwin (sheriff of Devon) and G. 'de Furnellis' directs them to discharge the land of the canons of Plympton "*de geldis et assisis et omnibus aliis rebus, quia episcopus Sarum recognovit per cartam de thesauro meo quod ipsa ex toto ita quietata est.*"¹

Secondly, we should note that, although the narrative assigns the issue of the new coinage to November 11 (1180), yet the sheriff's deputy raised his claim at Michaelmas (for that half year's term). That he did so is in harmony with the current Pipe Roll, which, as

¹ Oliver's 'Monasticon Diocesis Exoniensis,' p. 134.

A 'KING'S ROLL' IN COURT

Eyton has shown, had numerous references to the change of coinage having been in progress. Lastly, we have here an Exchequer case, hitherto, I believe, unknown, and learn the names of the officials present, which harmonize with what we know *aliunde* of the judicial and financial *personnel* at the time.

Apart from the "rotulus Regis" discussed above, the Exchequer, it would seem, enrolled its decisions even under Henry II. We read in the chronicle of Jocelin de Brakelonde that Abbot Sampson, called upon to contribute, on behalf of St. Edmund's Abbey, to a "communis misericordia" imposed on the counties of Norfolk and Suffolk, went to the king at Clarendon [? February, 1187] and obtained from him a writ directing "ut sex milites de comitatu de Norfolchia et sex de Suffolchia summonerentur ad recognoscendum coram baronibus scaccarii utrum dominia Sancti Ædmundi deberent esse quietia de communi misericordia."¹ When the knights had found their verdict, "justiciarii assidentes veredictum illorum inrollaverunt."

We may now return to the reckonings in use at the early Exchequer.

It may fairly be said that in 1130 the *normal* method of accounting for the ferm was the payment by the sheriff of silver "ad pensum," the allowance to him of his outgoings "numero," and the reckoning of the balance in "blanch" money. The counties of which the sheriffs paid in their silver "ad pensum" were Notts and Derby, Hampshire, Surrey with Cam-

¹ Ed. Arnold, i. 269.

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bridgeshire and Hunts, Essex and Herts, Gloucestershire, Northants and Leicestershire, Norfolk and Suffolk, Warwick, Lincolnshire, Berks and Devon, seventeen in all. Dorset and Wilts, Kent, and Bucks and Beds, that is five counties, had their silver paid partly "ad pensum" and partly "numero." Northumberland, Carlisle, and Sussex, were accounted for "numero," in accordance with the 'Dialogus.'¹ For Yorkshire the silver was paid in "numero," but the balance accounted for "blanch"; Cornwall seems to be accounted for "numero." London and Staffordshire alone have sheriffs who pay in their silver "blanch."

In this labyrinth of account one point at least is clear. The outgoing credits to the sheriff "numero" were "blanched," exactly as described in the 'Dialogus,' by a uniform deduction of a shilling in the pound.² This is proved by the account for the outstanding ferm of Berkshire, rendered by Anselm *vicomte* of Rouen.³ He has to account for £522 18s. "blanch." For this he pays in £251 6s. 8d. "blanch," claims £63 4s. 5d. "numero" for money disbursed by the king's writ, and is left owing £211 10s. "blanch." Now, if we deduct a shilling in the pound from £63 4s. 5d., we obtain £60 1s. 2½d. "blanch." Adding up the three "blanch" amounts, we have £522 17s. 10½d., which is within a penny halfpenny of the sum he has to account for.

¹ "Numero satisfaciunt; quales sunt Salop, Sudsex, Northumberland et Cumberland" (i. 7). Shropshire is wanting on the Roll.

² "Hæc per subtractionem xii denariorum e singulis libris dealbantur" (ii. 27).

³ Rot. Pip., 31 Hen. I. p. 122.

SYSTEM OF RECKONING

We may further say that this Pipe Roll reveals a tendency to reduce all the ferts to a "blanch" denomination; that is to say that the balance left outstanding is normally given in "blanch" money, and accounted for accordingly in a subsequent year. Moreover, when it is so accounted for, the sheriff pays in his money, not "ad pensum" but "blanch." Examples of this are found in the cases of Wilts and Dorset, Hampshire, Surrey with Cambridge and Hunts, Essex and Herts, Gloucestershire, Leicestershire and Northants, etc. It seems to be only when a sheriff is rendering his account "de Nova Firma" that he pays in money "ad pensum." The provoking practice of not recording the amount of the fert to be accounted for makes it impossible to check these different methods of reckoning. In the case, however, of Bosham, we have the "veredictum" in the 'Testa' that its annual fert was "xlii libras arsas et ponderatas"; and though this of itself might be slight evidence,¹ it is in harmony with the Pipe Rolls of Henry II. Now in that of 1130 the fert is thus accounted for:

£	s.	d.	
27	3	8	'ad pensum.'
0	5	0	'numero.'
0	8	0	'ad pensum.'
16	0	10	'blanch.'

This is equivalent to £16 5s. 7d. 'blanch' plus £27 11s. 8d. 'ad pensum.' If then the total fert was £42 'blanch,' we have an excess of £1 17s. 3d.

¹ Indeed, the statement that this fert was fixed by the Conqueror is at variance with the evidence of Domesday, which says, "reddit x libras ad arsuram et pensum" (i. 16).

THE ORIGIN OF THE EXCHEQUER

'ad pensum.' If this calculation is to be depended on, it would give us a deduction of about sixteenpence in the pound from the weighed money when subjected to assay.

In 1157, the ferm was accounted for as follows :

£31 13s. 8d. "blanch," paid in by sheriff.

13s. 4d. "numero," already to his credit.

£12 7s. 4d. "numero," paid out.

Deducting, as before, a shilling in the pound from the sums reckoned "numero," we find them amount to £12 7s. 8d. "blanch." Adding this amount to the £31 13s. 8d. "blanch," we have £44 1s. 4d. to the accountant's credit. But the ferm was only £42 "blanch." He had, therefore, a "superplus" of £2 1s. 4d. "blanch," and that is precisely what the roll records that he had. We may then, from this comparison, conclude positively that the money paid in "ad pensum" was liable to a further deduction when the assay made it "blanch."

The case of Bosham certainly suggests that in the time of Henry I. the ferm on the "Rotulus exactorius" might be reckoned in 'blanch' money, even where the accountant paid in his cash by weight. But what is obscure is why the cash so paid should be merely entered 'ad pensum,' instead of its assayed value being recorded as under Henry II. For this value must have been ascertained in order to balance the account.

It is noteworthy that, although the 'Dialogus' speaks of payment "ad scalam," as entered on the rolls of Henry I., the phrase is not found on the roll of 1130. In the case of Exeter, as we have seen, the

DEVELOPMENT OF UNIFORMITY

£25 "ad scalam" were entered on the roll as £25 12s. 6d. "numero." Broadly speaking, the impression created by the Roll of 1130 is that the administration was endeavouring to systematize the 'ferm' payments, which, we may gather from the evidence of Domesday, had been almost chaotic in diversity. From the earliest rolls of Henry II. we find a uniform "blanch" system (with the trifling exceptions the 'Dialogus' mentions), which testifies probably to further reforms between 1130 and 1139 (when bishop Roger fell). There remained, however, the sad confusion caused by the several meanings of "blanch"; the true assay involving a deduction of variable amount; the fixed deduction of a shilling in the pound, to "blanch" the money paid out "numero"; and the fixed addition of sixpence in the pound ("numero") to sums granted "blanch," as in the Exeter case.

If, in conclusion, it be asked what was the origin of the Exchequer, the answer is not one that can be briefly given. In the first place, it must not be assumed that "the Exchequer" was bodily imported, as a new and complete institution, from Normandy to England or *vice versa*.

In the second place, the 'Dialogus,' we have seen, is by no means an infallible authority for the events of the Norman period. In the third place, its author was biassed by his eagerness to exalt bishop Roger, his relative and the founder of his family.

Leaving that treatise aside for the moment, the evidence adduced in this paper points to the gradual development of the 'Exchequer' out of the 'Treasury'

THE ORIGIN OF THE EXCHEQUER

under Henry I. And this view is curiously confirmed by the remarkable, perhaps unique, narrative in the Abingdon Cartulary¹ of a plea held in the *curia regis* "apud Wintoniam in thesauro." This plea cannot be later than 1114, and it is difficult to resist the impression that "in thesauro" is purposely introduced, and represents the "ad scaccarium" of later days. That is to say, that the hearing of pleas was already connected with the financial administration,² probably because its records were, in certain cases, needed.

I have suggested that the gradual change of name may have been a consequence of the introduction of the 'chequered cloth' (*scaccarium*). But this innovation, probably, was only one of those which marked the gradual transition to the final Exchequer system. Even under Henry II., for instance, Master Thomas Brown and his third roll were, says the 'Dialogus,' an utter innovation, and the place assigned to Richard of Ilchester seems to have been the same. Thus the system was by no means complete at bishop Roger's death, nor, on the other hand, were its details, even then, his own work alone. He did but develop what he found.

It is quite possible that further exploration of that most fertile field for discovery, the cartularies of mon-

¹ Vol. ii. p. 115.

² It should be observed that the plea was decided by reference to the "liber de thesauro" (Domesday Book, 156 *b*) and that "liber ille . . . sigilli regii comes est in thesauro" ('Dialogus,' i. 15). Therefore, "cum orta fuerit in regno contentio de his rebus quæ illic annotantur" (Ibid. i. 16), the plea would conveniently be held "in thesauro."

A GRADUAL EVOLUTION

astic houses, may cast a clearer light on this institutional development. For it was a belated document transcribed in the cartulary of Merton that has enabled me¹ to prove the existence of the Exchequer *eo nomine* in Normandy under Henry I. But it is not likely that such discovery will materially affect the views which I have enunciated above on the origin of the English Exchequer. For, after all, they are, in the main, the same as those which Dr. Stubbs, with his sound instinct, shadowed forth when the evidence was even less.

If I have gone further than himself, it has been in criticising more searchingly the authority of the 'Dialogus de Scaccario' for the reign of Henry I., in demonstrating the actual evolution of the "scaccarium" from the "thesaurus," and in tracing the origin of the chamberlain's office and its feudal, tenurial character. The alternative use of 'blancæ' and 'ad scalam' in the reign of Henry I. is, I believe, a new discovery, and so, it would seem, is that Treasury audit on which I have laid special stress. Petty details, it may be said, and of slight historical importance. So thought Richard the son of Nigel, pleading: "nec est vel esse potest in eis subtilium rerum descriptio, vel jocunda novitatis inventio."² And yet he heard the student's cry: "cur scientiam de scaccario quæ penes te plurima esse dicitur alios non doces, et, ne tibi commoriatur, scripto commendas?" For as we have been reminded by the publication of the 'Red Book

¹ See my paper on "Bernard the Scribe" in the 'English Historical Review,' 1899.

² Introduction to Dialogus.

THE ORIGIN OF THE EXCHEQUER

of the Exchequer, it may be true now as then, even of those who are steeped in its records, that "*sicut qui in tenebris ambulant et manibus palpant, frequenter offendunt, sic illic multi resident qui videntes non vident, et audientes non intelligunt.*"¹

¹ Ibid.

London Under Stephen

THE famous claim of the citizens of London at the death of Henry I., that the election of a king rested with themselves;¹ and the prominent part they actually took in placing Stephen on the throne, after making special terms with him,² impart peculiar interest to such glimpses as records afford us of the government, institutions, and leading citizens of London in Stephen's days. Of these I have treated at some length in my work on Geoffrey de Mandeville,³ but the information there given can now be supplemented by documents relating to the two ancient religious foundations of Holy Trinity Priory, Aldgate, and the collegiate church of St. Martin's-le-Grand.

The earliest of these with which I shall deal is assigned to the second year of Stephen, and is taken from the cartulary of Holy Trinity, now preserved at Glasgow, of which there is a modern collated tran-

¹ "Id quoque sui esse juris suiue specialiter privilegii ut si rex ipsorum quoquo modo obiret, alius suo provisu in regno substituendus e vestigio succederet" ('Gesta Stephani'; see 'Geoffrey de Mandeville,' p. 2).

² Ibid.

³ Longmans, 1892.

LONDON UNDER STEPHEN

script in the Guildhall Library. It has never yet, I believe, been printed. As Stephen was absent in Normandy from Midlent to the end of November, 1137, the episode must belong either to the early months of the year or to its close.¹ The text seems slightly corrupt in places, but is trustworthy enough for all purposes. The first points of interest to be noted are that Arnulf archdeacon of Sééz, afterwards the well-known bishop of Lisieux, who here appears at Stephen's court, had been, as I have shown, the year before, his spokesman before the Pope when his right was challenged by the Empress;² and that Andrew Buchuinte, a leading citizen, was clearly "Justiciar of London" at the time, in accordance with my theory that such an office was actually created by the well-known charter of Henry I.³

It should also be observed that the question of title is carried back straight to the days of Edward the Confessor, and is decided by the oath of twenty-one men, familiar, evidently, with the locality, in the style of the 11th century. The list of jurors is headed by Or(d)gar 'le prude,' who seems to have become a monk (*monachus*) since he had taken so prominent a part in transferring the 'soke' of the Cnihtengild to Holy Trinity Priory in 1125.⁴

¹ Assuming the regnal years of Stephen to be reckoned in the usual manner, of which I have felt some doubts.

² 'Geoffrey de Mandeville,' p. 252.

³ Ibid. p. 373.

⁴ He was the third named of the fifteen benefactors, who, to obtain the king's confirmation, "miserunt . . . quendam ex seipsis, Orðgarum scilicet le Prude," to Henry. He occurs in one of the St. Paul's documents (Hist. MSS. Report, p. 68 a), but what

THE CNIHTENGILD'S SOKE

The land in dispute was in "East Smithfield," within the soke of the Cnihtengild, which lay outside the wall from Aldgate to the Thames, and therefore adjoined immediately the Tower precinct. The Priory having now acquired the soke, complained that successive constables of the Tower had encroached upon this land to make a vineyard. The document which follows records the result.¹

Secundo autem anno regni Stephani Regis quodam vice cum esset Rex Westm[onasterio] adiit prefatus prior [Normannus] assistentibus et auxiliantibus sibi Regina Matilde ipsius Regis conjuge, Algaro episcopo Constanciensi, Rogero tunc cancellario, Arnulfo archidiacono Sagiensi, Willelmo Martel dapifero, Roberto de Courcy, Albrico de Ver, Gaufrido de Magnavilla, Hugone le Bigot, Adam de Balnai, Andrea Buchuinte, pluribusque aliis burgensibus Londoniæ, adiit eum et diligenter ostendit qua vi vel injuria pars illa a reliqua fuerit separata; advocat' et Aschuillo coram Rege quesitum est ab quo jure partem illam tenuisset et quid super eam clamasset. Ipse vero r[espo]ndit se nil super ea clamare, sed *sic inquit: tenui.*² Tunc Rex vivâ voce Andr[æ] Justiciario suo ceterisque Burgensibus qui ibi aderant precepit (?) ipsis et ceterisque per breve suum mandavit quatinus certum diem priori constituerent in quo super eandem terram convenientes rem rationabiliter examinarent, examinata autem sic permaneret quemadmodum fuerat in tempore Regis sancti Eadwardi.³ Quod si prior potuisset ostendere partem illam esse de predicto jure ecclesie sine dilacione seisiatur. Quod ita factum est. Statuto die super eandem terram convenerunt ex una parte prior cum coadiutoribus suis, ex alia parte Andreas Buchuinte et plures alii maiores et meliores Lond[onie]. Ratione igitur deducta a tempore sancti Eadwardi Regis usque ad illum diem quo hoc fiebat, inventum est et ostensum illam partem ad reliquam pertinere et totam similiter de predicto jure. Quod et ibidem pro-

Mr. Loftie has written about him ('London,' pp. 35-6) is merely based on confusion with other Ordgars.

¹ Vol. iv. fo. 737, of the Guildhall Transcript.

² He appears to take his stand on possession alone.

³ The king decides to examine the title by a proprietary action.

LONDON UNDER STEPHEN

batum est multis testibus et sacrament' xxj^o hominum quorum hec sunt nomina: Orgarus Monachus cognomento le prude, Ailwinus filius Radum' Estmund' Alfricus Cherch' Briccred Cucherd Wlfred' Semar Batum Alsi Berman Wlpsi faber Alfwin Hallen Leuesune faber Wlwin' Abbot, Ailwin' clericus, Algarus frater Gerald', Wlfric carnifex, Elfret Cugel Wlfric' Edric' Modheuesune Godwinus Balle; et multi alii parati fuerunt jurare, sed isti judicati sunt sufficere. Hoc itaque modo hæcque ratione et justicia tota illa terra et soca adjudicatum est predictæ ecclesie. Quam Stephanus Rex confirmat prefate ecclesie (vel priori?) per cartam sequentem.

Stephanus Rex Angl[orum] Episcopo London[iensi] Justic[iariis], vicecomitibus, baronibus, Ministris, et omnibus fidelibus suis Francis et Anglis lond[oniæ] salutem. Sciatis quia reddidi et concessi deo et ecclesiæ sanctæ Trinitatis Lond[oniæ] et canonicis regularibus ibidem deo¹ servientibus pro anima Regis Henrici et pro salute mea et Matild[is] Regine uxoris meæ et Eustac[i] filii mei et aliorum puerorum meorum in perpetuum terram suam de Smethefelda quam comes Gaufridus preoccupaverat ad vineam suam faciendam. Quare volo et firmiter precipio quod bene et in pace et libere et quiete et honorifice teneant et habeant terram predictam sicut melius et liberius et quietius tenent alias terras suas et sicut Rex Henricus illam eis concessit et carta sua confirmavit.

Testibus: Matilde regina, et Thoma capellano, et Willelmo de Ipra, et Ricardo de Luci. Apud Lond[oniam].²

The charter which follows, being granted by Geoffrey de Mandeville as earl, may safely be assigned to 1140-1144. It is difficult to resist the impression, from the appearance among the witnesses of a Templar and two doctors, that this was an act of restitution by the earl when he was lying on his death-bed in 1144.³

¹ 'Christo' in Ancient Deeds, A. 6683.

² As is not unfrequently the case in similar narratives, this charter is wrongly introduced; for it clearly cannot be so early as 1137. It was edited by me in 'Ancient Charters' (p. 48) from Ancient Deeds, A. 6683, and assigned to 1143-1148, as being obviously subsequent to the fall of the earl of Essex.

³ See 'Geoffrey de Mandeville,' pp. 222-4.

AN INQUEST IN THE CITY

Item Gaufridus comes Essex ac constabularius principalis Turris renunciavit totum clamorem suum de predicta terra ut p[atet] per cartam sequentem.

Gaufridus comes Essex Episcopo Londoniensi et omnibus fidelibus sancte ecclesie salutem. Sciatis me reddidisse ecclesie Christi Lond[onie] et fratribus in ea degentibus molendina sua juxta Turrim et totum terram extra quæ pertinebat ad Englisnithengildam¹ cum Smethefelda et hominibus et omnibus aliis rebus eidem pertinentibus. Reddo et eis dim. hidam de Brembelega in terra et pratis et pascuis et omnibus aliis rebus et libertatibus et consuetudinibus sicut Willelmus filius Widonis eam eis dedit cum canonicalem habitum reciperet. Et volo et precipio ut prefatas terras teneant de me et heredibus meis liberas et quietas et solutas ab omni calumpnia et seculari servicio ita ut nec heredes mei nec meis imposterum aliquam cunc super hiis liceat inuriam vel contumeliam irrogare.

Hiis testibus: Roh[ais]a comitissa uxore mea; Gregorio dapifero; Pagano de Templo; Warino filio Geroldi; Radulfo de Crichtote;² Gaufrido de Querendun; Ernulfo medico; Iwodo medico. Et similiter concedo eis imperpetuum i marcā argenti de servicio Edwardi de Seligeford testimonio prescriptorum testium et Willelmi archidiaconi London'.

Hec omnia acta fuerunt anno ij^o Regis Stephani istis astantibus, audientibus, et videntibus: Radulfo filio Algodi, Radulfo cancellario Sancti Pauli, Hacone decano, Willelmo Travers, Gilberto presbitero, Lungo presbitero, Wimundo presbitero, Josepho presbitero, Godefrido presbitero, Johanne presbitero, Huberto presbitero, Leofwino presbitero, Godardo presbitero, Alurico presbitero, Ricardo presbitero, Jacobo clerico, Gervasio clerico, Willelmo clerico, Andrea Buchuinte, Stephano Bukerel, Willelmo camerario, Radulfo filio Andree, Laurentio Buchuinte, Theodorico filio Dermanni, Johanne Buchuinte, Stephano Bukerel, Gileberto Beket, Gervasio filio Agn[etis], Hugone filio Ulgari, Eustachio nepote Fulcredi, Walkelino, Roberto filio Radulfi fratribusque ejus Ricardo et David, Ailwardo fabr', Edmundo Warde Aldermanno, Edwardo filio Simonis (?) Edgardo Fuloe, Edward Roberto fil. But' Alfego Ailwino Godwino Radulfo Godesune et Algaro filio eis et Edmundo fratre eius Huneman Suethin Edwardo

¹ Trans: 'Englistcwit' (the 't' and 'u' being obvious misreadings). The text is, it will be seen, corrupt.

² Trans: 'Crichcote.'

LONDON UNDER STEPHEN

Her' Godwino Bredhers Herewardo Geraldo Rufo Sexi Forfot,
Godwino Oxefot Johanne filio Edwini Sawardo Siredo ceterisque
multis non solum.

With this latter portion of the document we return to 1137, and meet with names of considerable interest. Foremost among these is that of Gilbert Beket, the first mention, I believe, of him in a document that has ever come to light. Ralf son of Algod, who heads the list, had also headed the list of the fifteen citizens by whom the Cnihtengild's soke had been given to the Priory in 1125. He also appears in charge of one of the city wards in the list of *circ.* 1130.¹ Was he identical with Ralf son of Algod, who occurs as a canon of St. Paul's in 1104 and 1132?² For my part, I think that he was. Improbable though the combination may seem, there can be little doubt that the canons of St. Paul's were as closely connected at the time with secular life in London as they were with farming in Essex. Hugh, son of Wulfgar, to take another of these names, had been, like Ralf, among the fifteen of the Cnihtengild list, twelve years before, and, like him, had charge of a ward in the list of *circ.* 1130. He was a London magnate of whom we shall hear more.

The names of these two men raise an important question. That ancient and remarkable institution, the English Cnihtengild of London, remains shrouded in mystery. It is known to us only through the gift of its soke to Holy Trinity Priory, and the consequent

¹ Report *ut supra*, p. 66 *b*; 'Geoffrey de Mandeville,' pp. 435-6.

² Report *ut supra*, pp. 61 *b*, 67 *b*; cf. 'Domesday of St. Paul's,' p. 124.

preservation, among that Priory's monuments, of charters confirming that soke, from Edward the Confessor downwards. Stow made use of the Priory's cartulary, and states the facts accurately enough. Mr. Coote, in 1881, rendered valuable service by printing, from the Guildhall Letter Books, the documents relating to "the English Gilds of Knights and their socn'," ¹ but fell into the error of supposing that "after thus parting with their land all these gentlemen entered religion in the same convent which they had thus benefitted."² Writing some years later (1887), with the St. Paul's documents before him, Mr. Loftie, in his well-known book, went further still. "There can be no doubt," he writes,³ "if any doubt existed before, that the governing body of London was the Knightengild, as Stow calls it." This assumption seems to be based on the view that among its fifteen named representatives (1125) "there was a very large proportion of aldermen,"⁴ and that those who do not seem themselves to have held office were the sons or the brothers of aldermen."⁵ Admitting that a few out of the fifteen can, like Ralf and Hugh above, be identified with those who had charge of wards *temp.* Henry I., this no more proves that the gild itself was "the governing body of London" than would the presence of some Aldermen among the members of a city company to-day prove that it occupied that position. It

¹ London and Middlesex Archæological Transactions, vol. v., pp. 477-493. These documents are the same as those entered in the Priory's cartulary.

² Ibid. p. 480; cf. pp. 490, 491.

³ London, p. 30.

⁴ "Seven or eight" on p. 30.

⁵ Ibid. p. 31.

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is not improbable, by the way, that the gild had become, like a modern city company, a mere propertied survival. But, apart from the question of its status, what we have to consider is whether the fifteen magnates of 1125 did, as alleged, enter the Priory themselves as canons when they made their gift.¹ Mr. Loftie positively asserts that they did :

The lords of the adjacent manor, the portoken, then fifteen in number, members of the Knightengild, and all, or nearly all, aldermen,² took the resolution, so characteristic of the religious life of the twelfth century, to enter Norman's priory . . . dedicating their own lives, etc.³

This view is absolutely erroneous, and rests on a misunderstanding of the words—

Suscipientes fraternitatem et participium beneficiorum loci illius per manum Normanni prioris, qui eos et predecessores suos in societatem super textum evangelii recepit.⁴

This, of course, is merely the usual admission of benefactors to a share in the spiritual benefits appertaining to the brotherhood. The fact that the benefactors' "predecessors" were admitted also should have clearly shown that there was no question of personally becoming canons in the Priory.⁵

¹ Even Dr. Stubbs seems to imply this when he alludes to "the conversion of the cnihten-gild into a religious house" ('Const. Hist.' [1874], i. 406).

² Compare "the retirement at one time of *seven or eight* aldermen" only three pages before (p. 30).

³ p. 33. So also pp. 34, 42, 90.

⁴ Coote, *ut supra*, p. 478.

⁵ Good instances in point are found in the Ramsey cartulary, where, in 1081, a benefactor to the abbey "suscepit e contra a domno abbate et ab omnibus fratribus plenam fraternitatem pro rege Wil-

MEMBERS OF THE CNIHTENGILD

As a matter of fact several of the fifteen citizens can, from records, be identified and traced, if only we reject, at the outset, the whole of the wild confusion into which Mr. Loftie has plunged them.¹ We may take, for instance, "Ailwinus et Robertus frater eius filii Leostani,"² whose father I make to be Leofstan the son of Orgar. These brothers witness one St. Paul's document in the time of Dean Ralf,³ and are mentioned in another,⁴ and they are addressed in a letter of archbishop Theobald (1139-43).⁵ Robert accounts for the Weavers' Guild of London in 1130,⁶ while Æthelwine, who witnesses a deed under Dean William, and two under Dean Ralf, will also be found witnessing a charter of the earl of Essex in 1142-3.⁷ It is this Æthelwine ('Ailwinus') who is wrongly identified by Mr. Loftie with the father of the first

lelmo, et pro regina Matilda, et pro comite Roberto, et pro semetipso, et uxore sua, et filio qui ejus erit heres, et pro patre et matre ejus, ut sunt participes orationum, elemosinarum, et omnium beneficiorum ipsorum, sed et omnium fratrum sive monasteriorum a quibus societatem susceperunt in omnibus sicut ex ipsis" (i. 127-8). Better still is this parallel: "Reynaldus abbas, et totus fratrum conventus de Rameseya cunctis fratribus qui sunt apud Ferefeld in gilda, salutem in Christo. Volumus ut sciatis quod vobis nostrum fraternitatem concessimus et communionem beneficii quam pro nobismet ipsis quotidie agimus, per Serlonem, qui vester fuit legatus ad nos, ut sitis participes in hoc et in futuro sæculo" (i. 131). The date of this transaction was about the same as that of the admission of the cnihtengild to a share in the "benefits" of Holy Trinity; and the grant was similarly made in return for an endowment.

¹ See "The First Mayor of London" ('Antiquary,' April, 1887).

² Coote, *ut supra*, p. 478.

³ Report, *ut supra*, p. 68 a.

⁴ Ibid. p. 62 a.

⁵ 5th Report Hist. MSS., App. I., p. 446 b.

⁶ Rot. Pip., 31 Hen. I.

⁷ *Infra*, p. 118.

Mayor, and with 'Aylwin child,' and with a son-in-law of Orgar le Prude, who, by the way, was Orgar 'the deacon,' and not Orgar 'le Prude.'¹

Two other interesting members of "the fifteen" are "Leostanus aurifaber et Wyzo filius eius"; for the latter is clearly identical with that "Witso filius Leostani" who, so far from being an Austin canon, owes in 1130 half a marc of gold "pro terra et ministerio patris sui,"² and with that "Wizo aurifaber" who, with Edward his brother and John his son, makes an agreement with the canons of St. Paul's.³

Returning to the second list of 1137,⁴ we recognise in Hacon the dean, not a dean of St. Paul's, but a witness of the Cnihtengild's gift in 1125.⁵ Tierri son of Deorman was the heir, perhaps the son, of that "Derman of London" who is entered in Domesday as holding half a hide at Islington, and the father of Bertram, "filius Theodorici filii Derman," otherwise Bertram "de Barwe," who held Newington Barrow in Islington,⁶ who was a benefactor to the nuns of Clerkenwell, and whose son Thomas bestowed a serf upon St. Paul's about the beginning of the 13th century.⁷ The mention of this family leads me here to introduce a most singular genealogy, evidently adduced to prove, *temp.* John, that Peter son of Alan was heir to Thierra, a grandson and namesake of Thierra son of Derman.

¹ Antiquary, as above.

² Rot. Pip., 31 Hen. I.

³ Report, i. 83 *b*. It is several years later than 1125.

⁴ See p. 101, above.

⁵ Coote, *ut supra*, p. 473.

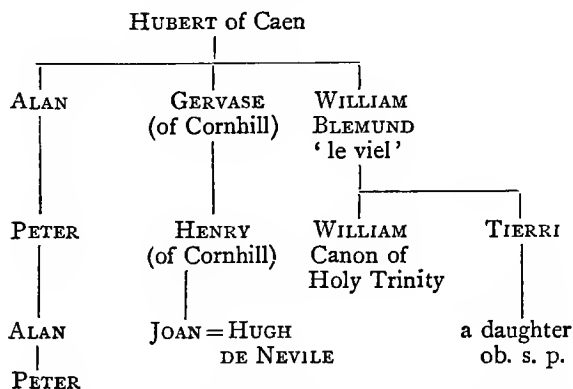
⁶ Tomlin's 'Perambulation of Islington,' pp. 60-64.

⁷ Report, *ut supra*, p. 42 *a*.

GREAT CIVIC FAMILIES

Hubert vint de Cham et engendra Alain et Gervase et Will-
l[elme] Blemunt le viel et altres. Alain le eisne engendra Pieres,
et P[ieres] Alain, et A[lain] P[ieres]. Gerveise engendra Henri,
et Henri Johane ki fu dunée a Hug[ues] de Nevile. Will[]
Blemunt prist la suer Bertra[m] de Barue et engendra Will' et
T[er]ri et altres. Will' devint chanoine a sainte ternite [*sic*] de
Lundres et T[er]ri prist la fille Ernaud le rus et engendra une fille
si cum lem dist. Iceste fille fu dunée a un petit fiz Johan Viel¹
dunt si ele mært sanz heir de soi. Les heirs al devant dit Alain
sunt heirs, kar il sunt les eisnez.²

This genealogy, which, we shall find, is certainly
incorrect, gives us a pedigree as follows :



We know (from the names of his son and grand-
daughter) that the Gervase of the text must be
Gervase of Cornhill, who, as a matter of fact, had a
brother Alan.³ But we also know that their father
was Roger 'nepos Huberti,'⁴ not Hubert. As there

¹ See, for him, below.

² Add MS. 14,252, fo. 127 d.

³ 'Geoffrey de Mandeville,' pp. 310, 311.

⁴ Ibid. It is remarkable that this man, who (as I have there
shown) was joint sheriff of London in 1125, is found as the last

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seem to be traces of another Hubert with sons Gervase and Alan,¹ this may account for the confusion. The mention of William Blemund is of special interest, because it is from this name that Bloomsbury ['Blemundsbury'] is derived. His wife, being a sister of Bertram de Barue,² was a daughter of Tierri the son of Derman, which accounts for one of their sons bearing the name of 'Terri.' The belief that this great civic family sprang originally from Caen is a fact to be noted.

We know that Ralf 'filius Andree' (p. 101) must have been a son of Andrew Bucuinte, for "Andreas Bucuinte et Radulfus filius ejus" witness a Ramsey charter under Henry I.³ William "camerarius" is, no doubt, the William "qui fuit camerarius Lond[onie]," who accounts for London debts on the roll of 1130.⁴

We have seen above that Andrew Buchuinte (*Bucca Uncta*) was, in 1137, Justiciar of London. This clue is of great importance, for, according to another portion of the Holy Trinity narrative, Andrew Buchuinte was the leading witness at the investiture of the Priory with the Cnihtengild's soke by the two sheriffs of London in 1125.⁵ He was also a leading witness to that agreement between Ramsey Abbey and Holy Trinity Priory, which I place between 1125 and 1130.⁶

witness to a charter of Henry I., granted (apparently in 1120) at Caen (Colchester Cartulary, fo. 10).

¹ Ibid. p. 311.

² See above, p. 106.

³ Ramsey Cartulary, i. 139.

⁴ Rot. Pip., 31 Henry I., p. 145. See also Ramsey Cartulary, i. 142.

⁵ 'Geoffrey de Mandeville,' p. 309.

⁶ See my 'Ancient Charters' (Pipe Roll Society), p. 26.

ANDREW BUCHUINTE JUSTICIAR

The charter to which we are now coming shows him addressed by Stephen as the leading man in London in the latter part, we gather, of 1139. Since the appearance of "Justiciars" under Henry I., among those to whom writs and charters were addressed, they always took precedence of the sheriff, and my contention is that when a magnate is named in that position, it is because he was Justiciar. The charters dealt with in this paper afford several instances in point. This one, for example, may be given here, although of somewhat later date.

Stephanus rex Angl[orum] Ricardo de Luci et vicecomiti Essex [ie] salutem. Precipio quod Episcopus Wyntoniensis frater meus ita bene et in pace teneat. . . . ¹et capella(m) sua(m) que canonici diracionaverunt sicut Rogerus episcopus Salisburiensis melius tenuit tempore comitis Eustachii de Bolonia et deinceps usque ad diem qua rex Henricus avunculus meus fuit vivus et mortuus. Et super hoc non ponantur canonici sui de Sancto Martino in placitum versus prepositum de Wyrtele de vel de pecunia sua. Et Moric[ius] vicecomes quietus sit de plegio illius et pecunia canonicorum quam replegiant.

Teste Roberto de Ver apud Wyndsor[es].²

The address of this charter would seem to support the view I suggested in 'Geoffrey de Mandeville' (p. 109), that Richard de Luci may have held the post of local justiciar of Essex.³ For the sheriff, clearly, was Maurice (de Tiretei, *i.e.* Tiltey).⁴ Imperfect though it be, we can, I think, connect the sub-

¹ The transcriber seems to have been unable to read these words.

² Lansdown MS. 170, fo. 73.

³ See also the charter on p. 115 (note 3) below.

⁴ Sheriff again from 1157 to 1160.

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ject in dispute with an aggression consequent on the Conquest by the 'pious founder' at Writtle.¹

Let us now return to the document of which I speak above (p. 109, l. 1) :

Stephanus dei gratia rex Anglie Andr[ee] Buch[uinte] et vic[ecomiti] et civibus suis London[ie] salutem. Precipio quod R[ogerus] episcopus Saresberiensis teneat ecclesiam Sancti Martini London[ie] et omnes terras eidem pertinentes in civitate et extra ita bene et honorifice sicut melius tenuit tempore regis Henrici et modo postea. Et de quocunque disseisitus est ipse vel ecclesia sua et canonici sui ejusdem ecclesie postquam discordia incepta inter nos, reseisiantur, et nominatim de terra Alderesgate disseisiti sunt ipse et canonici sui pro filiis Huberti juvenis, et bene et in pace teneant, sicut tenuerunt melius die quâ rex Henricus fuit vivus et mortuus, et modo postea.²

In 1139, therefore, as in 1137, Andrew was the leading man in London; and if, as Dr. Stubbs believes, he was of Italian origin,³ we have a somewhat unlooked-for foreign influence in the midst of the citizens of London at this most critical epoch. One is indeed reminded of the 'Buccanigra' family, and the great part they played at Genoa in the 13th century. It is also suggested by Dr. Stubbs that the "Andrew of London" who led the citizens' contingent at the taking of Lisbon (1147) "is not improbably the Andrew Bucquinte whose son Richard was

¹ "Writelam . . . Ingelricus præoccupavit ii hidas de terra prepositi Haroldi . . . postquam rex venit in Angliam et modo tenet comes E[ustachius] ideo quod antecessor ejus inde fuit saisitus" (Domesday, ii. 5 ð).

² Lansd. MS. 170, fo. 62.

³ "The influential family of Bucquinte, Bucca-Uncta, which took the lead on many occasions, can hardly have been other than Italian" ('Const. Hist.' i. 631). The Bucherels also, clearly were of Italian origin ("Bucherelli").

THE BUCHUINTE FAMILY

the leader of the riotous young nobles of the city who in 1177 furnished a precedent for the Mohawks of the eighteenth century."¹ The episode in question, although entered under 1177, seems to belong to 1174; but, apart from chronology, we cannot believe that "quidam latronum illorum, Andreas Bucquinte qui cæteros præibat cum face ardenti"² was himself the crusading leader of 1147, still less the London magnate of half a century before. The Richard who is styled his "son" by Dr. Stubbs proves to be merely another reading, in one of the texts, for Andrew himself.³ The great Andrew (of 1125-1139) had a son Ralf,⁴ and also a son John, who made Gervase of Cornhill and his son Henry his heirs.⁵ It is very tempting to identify this Andrew Buccuinte with 'Andrew of London,' but 'Andreas de Londonia' is found as a witness to a Ramsey charter under Henry I.,⁶

¹ Ibid.

² "Benedictus I., 155-6" (Dr. Stubbs' authority).

³ Ibid.

⁴ See p. 108, above.

⁵ Duchy of Lancaster Charters, L. 107. "Notum sit tam presentibus quam futuris quod ego Johannes filius Andree Bucuinte heredavi in hustingo Londonie (*sic*) Gervasium de Cornhell[a] et Henricum filium eius et heredes suos de omnibus rectis meis in terris in catallis Et etiam in omnibus aliis rebus et quieta clamavi eis et heredibus eorum hereditario jure tenendis et abendis (*sic*). Et pro hac conventionione dederunt mihi Gervasius de Cornhell[a] et Henricus filius unam dimidiam marcā argenti. Et hoc idem feci in curia Regis apud Westmonasterium. Et ibi dedit mihi Gervasius de Cornhella i marcā argenti. Et ego Johannes filius Andree Bucuinte saisiavi Gervasium de Cornhell[e] et Henricum filium eius de omnibus talliis meis et de cartis meis in curia Regis et in hustingo Lond[onie]."

⁶ Cartulary, i. 130.

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while Andrew Buccuinte used to attest under his own name. There is also a group of three charters of this John son of Andrew Buccuinte in the Colchester cartulary (fo. 133) which have points of interest. The first is witnessed *inter alios* by Tierri (*Teodricus*), son of Derman and his brother,¹ by Eadwine the alderman, and by Gervase of Cornhill; the second grants land ("in custodia Blacstani") to Baldwin "clerico patris mei et magistro meo"; the third grants to him the land in which stood the 'fornax' of John's father, Andrew, in St. Stephen's, Walbrook.²

I would here insert an observation on the riots of "1177." The 'Gesta Henrici' describes the episode under 1177, but dates it in "tertio præcedenti anno." Miss Norgate accordingly places it "about June or July 1174," and points out that Hoveden omits the above words, thus confusing the chronology.³ Now the 'Gesta' asserts that Andrew Buchuinte denounced among his companions

quidam nobilissimus et ditissimus civium Londoniarum qui nominatus est Johannes Senex. Qui cum per iudicium aquæ se mundari non posset, obtulit quingentas marcas domino regi pro vita habenda. Sed quia ipse per iudicium aque perierat, noluit denarios illos accipere, et præcepit ut iudicium de eo fieret, et suspensus est.⁴

I suggest that 'Senex' is merely an elegant Latinization of 'Viel,' the name of a leading London family,⁵ which was usually Latinized "Vetulus." And

¹ See p. 106, above.

² Cartulary of St. John's, Colchester, pp. 293-4.

³ England under the Angevin Kings, pp. 156-7.

⁴ i. 157. Hoveden ends: "Præcepit eum suspendi in patibulo"

⁵ See above, p. 107.

A CITIZEN IS HANGED

we have but to turn to the Pipe Roll of 1175 (21 Hen. II.) to find this entry :

Viccomes reddit compotum de xlii s. et ix d. de catallis Johannis Vetuli suspensi et Johannis Lafaite ¹ fugitivi (p. 20).

Here we have the proper formula under the assize of Clarendon,² with which we may compare clause V. in the Inquest of Sheriffs (1170) :

De catallis fugitivorum pro assisa de Clarendune, et de catallis eorum qui per assisam illam perierunt, inquiratur quid actum sit . . . et an aliquis retatus relaxatus fuerit, vel reus, pro præmio vel promissione vel amore, et quis inde præmium acceperit.

Here we have Henry denouncing in 1170 that escape of criminals through bribery, which we have seen him, above, refusing to connive at four or five years later, when he was offered "quingentas marcas" —Miss Norgate says "five thousand" ; but one must not be severe on a lady's Latin.

But if the accuracy of the 'Gesta' tale is thus remarkably confirmed, we can hardly accept its description of the man whose chattels produced so little for the Crown as one of the richest of Londoners. I have not observed him elsewhere on the rolls, so that probably he was only a youthful member of his family.

To return. Andrew "of the oily mouth" must have ceased to occupy his high office shortly after Stephen's writ of 1139, for we soon find it held by no less interesting a man than Osbert "Octodenarii," otherwise

¹ This also was the name of a leading London family.

² Dr. Stubbs quotes from the roll of 1169: "de catallis fugitivorum et suspensorum per assisam de Clarendon."

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"Huitdeniers." This was no other than Becket's kinsman and employer, whom Garnier terms

Un riche hume Lundreis
Ke mult ert koneiiz et de Frauns et d'Engleis.

Other biographers of Thomas describe him as "vir insignis in civitate et multarum possessionum," . . . qui non solum inter concives, verum etiam apud curiales, grandis erat nominis et honoris."¹ It has been concluded that the future primate was in Osbert's employment somewhere about 1139-1142,² and, according to William Fitz Stephen, "receptus est in partem sollicitudinis reipublicæ Londoniensis." From the evidence now about to be adduced we learn that Osbert was actually in power at the very time when his young kinsman is believed to have been in his employment. The agreement, therefore, is curiously complete.

Stephanus rex Anglie etc. Osberto octoden[ari] et omnibus Baronibus et vic[ecomiti] et ministris suis London[ie] salutem. Precipio quod faciatis resaisiri ecclesiam Sancti Martini London[ie] et canonicos de terra et de domibus suis de Aldersgate unde filii Huberti juvenis eos injuste et sine iudicio dissaisierunt sicut inde saisiti fuerunt antequam episcopus Sar[esberiensis] captus fuisset apud Oxon[iam], et sicut precepi per aliud breve meum. Et quod ipsi postea ceperunt reddi facite iuste. Et postea si ipsi quicquid in terras clamaverint Episcopus Wintoniensis cuius ecclesia est et canonici teneant eis inde rectum. Et videte ne audiam amplius inde clamorem.³

¹ See my note on Osbert in 'Geoffrey de Mandeville,' App. Q (pp. 374-5). ² Ibid.

³ Lansd. MS., 170, fo. 62 d. The terms of this writ are of some legal importance in connection with the principle of "novel disseisin" under Henry II. The recovery of seisin is here a preliminary to a proprietary action, and the formula "injuste et sine

This writ, which, it would seem, has never yet been printed, is subsequent, not only to the one which is given above (p. 110), but to the death of the bishop of Salisbury in December, 1139.¹ From it we learn that the deanery of St. Martin's, which had been held by Roger, was given by Stephen, at Roger's death, to his own brother, the bishop of Winchester. It is probable that this deanery was a very lucrative appointment, and that its estates were separate from those of the canons of the church. Count Eustace, in his charter addressed to Hugh d'Orival bishop of London, speaks of retaining for himself the lands "quæ propriæ fuerunt Ingelrici et ad decanatum pertinere debeant," and a charter of the Empress similarly speaks of the houses and lands in London "quæ pertinent ad decanatum."

The subject of these deaneries of houses of secular canons seems to deserve working out. As the great bishops of Salisbury and Winchester held successively the deanery of St. Martin's, so the *protégé* of the

judicio" (cf. 'History of English Law,' ii. 47, 57) recurs in this charter which is of similar illustrative value: "Stephanus rex Angl[orum] Waltero filio Gisleberti et preposito suo de Mealdona salutem. Si Canonici Sancti Martini London' poterint monstrare quod Oswardus de Meldon' injuste et sine iudicio illos dissaisierit de terra sua de Meldon' de Burgag' tunc precipio quod illos faciat[is] resaisiri sicut saisiti fuerunt die quo Rex Henricus fuit vivus et mortuus. Et quicquid inde cepit postea reddi juste faciatis et in pace teneant sicut tenuerunt tempore regis Henrici et eadem consuetudine, et nisi feceritis Ricardus de Lucy et vicecomes de Essex faciant fieri ne audiam inde clamorem pro penuria recti. Teste Warnerio de Lusoriis apud London' (Ib., fo. 170).

¹ It was almost certainly previous to Stephen's captivity, though this cannot be actually proved.

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latter prelate, Hilary bishop of Chichester, seems to have held that of Twynham both before and after his elevation to the South-Saxon see, while the bishops of Exeter, from Osbern the Norman, seem to have combined the deanery of Bosham with their episcopal office. Maurice bishop of London (1085) held the deanery of Wimborne. In Normandy, similarly, Philip of Harcourt, who had been Stephen's chancellor, was, as a bishop, dean of the house of Holy Trinity of Beaumont before its annexation to Bec.

We next come to a writ of the Empress, which must belong to the year 1141, and which similarly recognises Osbert Huitdeniers as the leading man in London at the time, and, as I maintain, its Justiciar.¹

Imperatrix Henrici regis filia et Angliæ domina Osberto Octod[enar]ii et vic[ecomiti] et civibus London[ie] salutem. Precipio quod saisiatis Henricum episcopum Winton[iensem] et apostolicæ sedis legatum de domibus illis London[ie] et terris ubi Petrus . . . mansit (quæ pertinent ad decanatum Sancti Martini London[ie] et ecclesiam suam, et ipsi disseisati sunt), sicut Rogerus episcopus Saresberiensis decanus ejusdem ecclesiæ et Fulcherus saisiati fuerunt vivi et mortui, et domos suas, et omnia quæ inde post mortem Rogeri ablata sunt, facite illi reddi, et terram ipsam et cetera omnia pertinentia ecclesiæ Sancti Martini in pace illi tenere facite.

The connection of this great prince-bishop with St.

¹ Another writ of Stephen (date uncertain) similarly recognises his position:—"Stephanus dei gratia Rex Anglie Osberto Octod[enarii] et Adel (*sic*) et civibus et vic[ecomiti] Lond[onie] salutem. Precipio quod canonici Sancti Martini London[ie] bene et in pace et honorifice teneant terras suas et estalla sua que eis reddidi et confirmavi" (fo. 57 d).

THE SCHOOLS OF LONDON

Martin's leads me to speak of his striking mandate on the subject of the schools of London :

H. Dei gratia Wintoniensis ecclesie minister capitulo Sancti Pauli et Willelmo archidiacono et ministris suis salutem. Precipio vobis pro obedientia ut trina vocatione sententiam anatematis in eos proferatis qui sine licentia Henrici Magistri Scholarum in tota civitate London legere presumpserint preter eos qui scholas Sancte Marie de Archa et Sancti Martini Magni regunt. Teste Magistro Ilario apud Wintoniam.¹

No date is assigned to this charter, for Henry's long rule at Winchester lasted till 1171. But my paper on " Hilary bishop of Chichester " ² enables us to identify him with " Magister Ilarius " the witness, and to date the charter as previous not only to 1147, but also, in all probability, to 1141, by which time he was dean of Christchurch. This then carries back our charter to the vacancy in the See of London (1134-1141), which explains the bishop of Winchester interfering thus forcibly in its affairs.

I have now proved the existence under Stephen, in accordance with Henry's charter,³ of three Justiciars of London, all leading citizens, namely, Andrew Buchuinte, Osbert Huitdeniers, and Gervase of Cornhill.⁴ But we must not forget the grant of the office to Geoffrey de Mandeville, earl of Essex, a grant made by Stephen ⁵ and confirmed by the Empress. Here again the charters of St. Martin's enable us to com-

¹ Endorsed " de Cancellario " (9th Report Hist. MSS., i. 45 *δ*).

² Athenæum, 23rd January, 1897.

³ " Justitiarium qualem voluerint de se ipsis."

⁴ See ' Geoffrey de Mandeville,' p. 305.

⁵ Ibid. p. 150.

plete our evidence. For in one of them, issued from his stronghold the Tower, we find Geoffrey taking, as if he were proud of it, the style of "Justiciar of London." We may safely date it 1142-3.

Galfridus dei gratia comes Essex[ie] et Justiciarius London[iæ] Roberto eadem gratia Londoniensi episcopo et Arch[idiacon]o et omnibus baronibus et hominibus suis, et omnibus tenentibus et amicis suis London[iæ] et Essex[iæ] tam clericis quam laicis, salutem. Quam¹ super modum peccavi, et male vivendo et bona ecclesiastica præter rationem diripiendo Deum offendi, ex penitencia mea immerita dampna ecclesiæ Sancti Martini London[iæ] quodam modo restituere, et voluntati canonicorum satisfacere proposui, etc. . . .

This curious charter of the dreaded and unscrupulous earl restores to the canons their Essex manors—

quæ injuste illis ablatae sunt quietas de operationibus et auxiliis vic[ecomitis] et plac[itis] sicut melius et liberius et quietius tenuerunt tempore regis Henrici et postea melius.

Testibus : Rohaisa comitissa uxore mea, et Willelmo archidiacono London[iensi], et Waltero fratre ipsius, Gregorio clerico, et Osberto clerico, Willelmo archidiacono,² et Willelmo de Moching,³ et Ricardo filio Osberti constabulario,⁴ et Gist⁵ vic[ecomite], et Ailwino filio Lopstan,⁶ et Roberto de Ponte, et Hugone filio Ulgeri, et Moricio de Tirtet.⁷ Apud London[iam] in Turri, coram monach[is] Westm[onasterii].

That this charter was wrung from the earl in a

¹ Quum.

² We probably should read "Osberto clerico Willelmi archidiaconi."

³ Attests a charter of the earl's son and namesake in 1157-8 as "Willelmo de Moch' capellano meo" ('Geoffrey de Mandeville,' p. 229).

⁴ Attests same charter (Ibid.).

⁵ ? Gisleberto.

⁶ Ailwin son of Leofstan and Robert de Ponte occur in the London charters of St. Paul's about this time.

⁷ Subsequently sheriff of Essex (see p. 109 above).

EARL GEOFFREY REPENTS

passing fit of repentance, consequent on grave illness, is rendered probable by a singular document, of which the text was communicated to me by the bishop of Oxford. It is, unfortunately, imperfect.

Domino ac patri Roberto Dei gratia Londoniensi episcopo et toto capitulo sancti Pauli et omnibus fidelibus sanctæ Ecclesiæ, Gaufridus comes de Essexia salutem et debitam obedientiam. Gratias ago Deo meo qui me oberrantem et jamdudum in Babilonem lapsum misericorditer revocavit: Quia enim miles ad ecclesiæ defensionem constitutus fueram, ejus impugnator et crudelissimus persecutor hactenus . . . mei molestia et infirmitate gravatus, me in matrem meam sanctam eccl . . . unde et pœnitens veniam peto, pollicens et vovens debita satisfactione . . . vobis illata integraliter restituere et pro sensu et facultate . . . debitam reverentiam atque manutementum et protectionem . . . quoque quæ inter me et reginam fuerat de castello de Sto[rteford] . . . [sancto] Paulo clamo quietum in perpetuum. Hujus autem satisfactionis . . . meam et comitissa uxor mea et comes Gast (*i.e.* Gisl[ebertus]) suam . . . confirmationem vero hujus restitutionis usque ad festum omnium sanctorum . . . capituli catalla nostra in animalibus et ceteris vero pecoribus et . . . rebus quæ in mea bailia sunt vel ad præsens inveniuntur sine dilatione vobis reddi faciam.¹

We will now revert from the crisis of Stephen's reign to the years preceding his accession, when we shall meet with several of those citizens of whom I have spoken above.

A group of three charters, formerly at Barrington Hall, but now in the British Museum (Add. Cart. 28, 344-6), brings before us several of the leading citizens of London at the close of the reign of Henry I. Badly drawn, as deeds, their meaning, in places, is obscure; but the gist of them seems to be that certain land in

¹ This charter, I understand, is taken from the roll at St. Paul's, which was purposely left uncalendared in Sir H. Maxwell Lyte's report on the St. Paul's MSS.

LONDON UNDER STEPHEN

Hertfordshire, which was held of the Count of Boulogne by 'Rumoldus' in Domesday, was given by 'Rumoldus' (the same or his namesake), and his sons Payn and Bernard, to Hugh son of Wulfgar, who was one of the fifteen magnates of the "English Cniht-engild" of London in 1125.¹ Further, it would seem that these lands were the dower of Hugh's sister, who had married one of Rumold's sons. The first of these charters² records the consent of Rumold's lord, William of Boulogne, to this transaction.³ I assign it to about the year 1129. First in order among its witnesses come tenants of the Honour of Boulogne; then local Surrey men;⁴ and lastly, a group recognisable as Londoners:

Gervasio filio Rogeri; Fulcone filio Radulfi; Johanne filio Radulfi filio Everardi; Hugone Cordello; Guillelmo Gernun; Gileberto de Sancto Victore; Radulfo de Oxenfordia; Ricardo Bucherello; Stephano Bucherello; Rogero filio Anschetilli.

Gervase, who had just succeeded his father, a former sheriff of London, was afterwards eminent as Gervase "of Cornhill" (as son-in-law of Edward of Cornhill, of the Cnihtengild), Justiciar of London and sheriff.⁵ Fulk pays for his release from imprisonment on the London pipe roll of 1130;⁶ John occurs on the same roll,⁷ and was closely associated with Gervase.⁸ Hugh Cordel, in 1130, accounts for his release from imprisonment;⁹

¹ See p. 102.

² Add. Cart. 28, 346.

³ See my paper on "Faramus of Boulogne" (Genealogist [N. S.] xii. 151).

⁴ Simone de Suttuna, Wulfwardo de Autona (Carshalton), etc.

⁵ See 'Geoffrey de Mandeville.'

⁶ Rot. Pip. 31 Hen. I. p. 146.

⁷ Ibid. p. 147.

⁸ 'Geoffrey de Mandeville.'

⁹ Rot. Pip. 31 Hen. I. p. 146.

A GROUP OF CITIZENS

Ralf of Oxford is one of his pledges.¹ The Bucherells were a great City family, whose name is said to be preserved in Bucklersbury, and who were doubtless of Italian origin.²

The second of these charters, from its many points of interest, fairly deserves to be given *in extenso* :

Fulquius vicecomes nepos Gisleberti de Surreia concedit Hugoni filio Ulgeri et heredibus suis conventiones de terra de Alfladewicha et de Hischentuna sicut convencio est inter Bernardum filium Rumoldi et Hugonem filium Ulgeri et sicut cirographum quod factum est inter eos testatur per iiij marcas argenti quas dedit mihi Hugo. Et hoc est requisitione Milonis de Gloecestria et Fulcredi camerarii Lund[onie] et Osberti VIII denarii et Andree Buccuinte et Anchetilli. Et istud concessum fuit factum ante Willelmum abbatem de Certesia, et Ricardum Basset, et Albericum de Ver, et Meinfeninum Britonem, et Robertum de Talewurda, et Rodbertum dapiiferum abbatis de Certesia, et Walterum clericum, et Radulfum Bloie.³

We may safely recognise in the grantor that "Fulcoius qui fuit vicecomes" of the 1130 Pipe Roll⁴ (p. 44), who had, in 1129, preceded Richard Basset and Aubrey de Ver as sheriff of Surrey, Cambridgeshire, and Hunts. A church was quitclaimed to the abbot of Colchester before him as "Fulquoio vicecomite de Surreia," not later, it would seem, than 1126.⁵ It is probable that the "de Surreia" of the above clumsily-drawn charter refers to his sheriffwick rather than to Gilbert, of whom, we here learn, he was the 'nepos.' This statement enables us to connect him directly with Gilbert, a previous sheriff of Hunts, and,

¹ Ibid.

² See above, p. 110.

³ Add. Cart. 28, 344.

⁴ Not to be confused with an (under) sheriff of Salop a generation earlier.

⁵ Cartulary of St. John's, Colchester (Roxburghe Club), p. 78.

LONDON UNDER STEPHEN

it seems, of Surrey. For a charter witnessed by this Gilbert, as sheriff, is also witnessed by "Fulcuinus nepos vicecomitis."¹ Fulkoin must have been sheriff of Hunts in 1127, for a charter of May 22, in that year, is witnessed by him.² He further witnessed, as 'Fulcoinus vicecomes,' a transaction of which the date seems not quite certain.³ Gilbert, his uncle, was sheriff as early as 1110,⁴ and in 1114 (or 1116),⁵ and occurs as "Gilbertus vicecomes de Suthereia" in a charter of 1114-1119.⁶

From this it would seem that he was sheriff, like his nephew, of Surrey as well as Hunts (including, doubtless, Cambridgeshire). He was also no other than the founder of Merton Priory, whose Austin canons were the teachers of Becket.

Having reached this conclusion, I turned to the curious narrative of the foundation of Merton Priory, which exists in MS. at the College of Arms.⁷ Here we find the striking passage :

Erat autem [Gilbertus] vicecomes trium comitatum, Sutherieie, scilicet, Cantebrigie, et Huntendonie. In qua videlicet Huntendonon per aliquot jam annos in ecclesia gloriosissime genetricis Dei Marie canonicorum regularium ordo floruerit et exemplis bonorum operum odorem sue noticie circumquoque diffuderit (fo. 1 *d*).

Incidentally, we have here evidence that the Austin Priory of St. Mary's, Huntingdon, had been in existence some years before the date of which the writer

¹ Ramsey Cartulary, i. 139, where it is assigned to 1114-1123.

² Ibid. i. 144.

³ Ibid. i. 152.

⁴ Ibid. i. 148, 240.

⁵ Ibid. i. 245.

⁶ Ibid. i. 131.

⁷ MS. Arundel, 28.

SHERIFFS UNDER HENRY I.

was speaking, namely, 1114. But the really important point is that Gilbert is here asserted to have held the shrievalty of precisely those three counties, which, from other evidence, I had concluded to have been subject to his rule. We may, therefore, safely assert that these three counties, under Henry I., had, for some twenty years, a single sheriff; first the above Gilbert, and then his nephew Fulcoin. This is a welcome gleam of light on the administrative system of Henry I.

But further, the independent confirmation, in this particular, of the above narrative raises its authority and value. I have seen enough of it to say that it certainly deserves printing. Apart from its history of the actual foundation and the early abandonment of the original site (a point hitherto unknown), it has a long and curious story in connection with a great council at Winchester in 1121, and, above all, a precious glimpse of the sheriffs before the Exchequer about the middle, we may fairly say, of the reign of Henry I.

Ad scacarium autem cum de tota Anglia vicecomites generaliter coadunarentur universi pro pavore maximo concuterantur, iste solus intrepidus (*sic*) et hillaris adveniebat atque confestim a receptoribus advocatus pecuniarum inter illos sese mittebat sic que cum illis q[ui] unus ex illis securus et alacer simul sedebat (fo. 10 d).

Of the persons named in the above charter, "Mein-feninus Brito" was clearly the "Maenfininus" who, in 1129, had preceded similarly the same two officers as sheriffs of Bucks and Beds.¹ Miles of Gloucester

¹ Rot. Pip. 31 Hen. I. p. 100.

LONDON UNDER STEPHEN

was another active royal officer, sheriff in 1129 and 1130 of Staffordshire and Gloucestershire;¹ so that we have here sheriffs presiding over seven English counties in 1129. Andrew Buccinte and Osbert 'Huitdeniers' were successively, as shown in this paper, Justiciars of London; and Fulcred is of interest as a chamberlain of London, not mentioned, at least as such, in the Roll of 1130, and only incidentally named in the MSS. of St. Paul's.² He occurs, however, under the same style in a Ramsey charter of February 2, 1131 (if it is not 1130),³ and was doubtless the Fulcred whose 'nepos' Eustace appears, in 1137, next to Hugh the son of Wulfgar.⁴

¹ Rot. Pip. 31 Hen. I. p. 72.

² Report, p. 25 *b*.

³ Ramsey Cartulary, i. 256.

⁴ See p. 101 above.

VI

The Inquest of Sheriffs (1170)

SEVERAL years ago there were discovered at the Public Record Office a number of parchment scraps relating to East Anglia, evidently belonging to some group, and of singularly early date. My friend, the late Mr. Walford Selby, showed them to me at the time, and asked me what I thought they were. As was announced at the time in the columns of the 'Athenæum,'¹ I pronounced them to be nothing less than fragments of original returns to the great 'Inquest of Sheriffs' in 1170. Dr. Stubbs, when editing the text of that document for his well-known 'Select Charters,' declared that "the report, if ever it was made, must have been a record of the most interesting kind conceivable." It was believed, however, that no trace of the returns could be found. Mr. Selby intended to publish these fragments as an interesting appendix to the 'Liber Rubeus'; and when Mr. Hall succeeded him as editor, he printed them as Appendix A.² Having studied for himself these fragments, he rejects their connection with the 'Inquest of Sheriffs,'

¹ 28th Sept., 1889.

² The Red Book of the Exchequer, Ed. Hubert Hall, F.S.A., of the Public Record Office (Master of the Rolls Series), pp. cclxvii.-cclxxxiv.

INQUEST OF SHERIFFS (1170)

although, as he frankly observes, he has only ventured to do so "with considerable hesitation." An entire section of the preface (pp. cc.-ccxi.) is devoted to his reasons for rejecting the above view and for advancing a wholly different explanation.

Approaching the question with an open mind, we find the facts to be as follows: These records relate to an Inquest held, so far as we can date them, in 1170, and covering the doings of the four years 1166-1170. Moreover, they describe that period as "postquam dominus Rex transfretavit" (with slight variations in the phrase), which is precisely the starting-point prescribed for the 'Inquest of Sheriffs.' In all this they answer to the Inquest; and all this Mr. Hall admits. But he raises curiously vague difficulties, which resolve themselves at last into the assertion—upon which, we read, he must insist—"that there is nothing more than a superficial resemblance, and certainly nothing to correspond to the articles of inquiry as they are alone known to us." Here at least we have a definite issue. Let us then adopt the simple plan of printing side by side the second article of enquiry, from Dr. Stubbs' text, and the very first of the returns on Mr. Hall's list.

ARTICLE.

Similiter inquiratur de archiepiscopis, episcopis, abbatibus, comitibus, baronibus, et eorum senescallis et ministris, quid vel quantum acceperint per terras suas post terminum prædictum [postquam dominus Rex transfretavit] de singulis hundredis et

RETURN.

Hæc est inquisitio de manerio Comitis Arundeliæ in Snetesham, scilicet quod homines sui dederunt postquam dominus noster Rex Anglorum extremo transfretavit in Normanniam. Quando Comes perexit ad servandas les Marches de Wales

ORIGINAL RETURNS DISCOVERED

de singulis villatis suis, et singulis hominibus suis, per iudicium vel sine iudicio; et omnes prisas illas scribant separatim et causas et occasiones earum.

pluribus vicibus, scilicet, homines de dominio suo dederunt c solidos; et Ricardus filius Atrac et sui pares de uno socagio dederunt iii marcas gratis . . . Quando comes rediit de Francia, iterum dederunt,' &c., &c.

I have slightly altered Mr. Hall's punctuation, which seems to me erroneous; but this in no way affects the argument. It is to the enquiry I have printed above that these interesting documents are undoubtedly the returns. Their common feature is that they record payments made by villis, or by individuals to their lords, that they record them "separatim," and that they specially record their "causas et occasiones." We may go further. The very phrase in the above article—"per iudicium"¹—occurs no less than eleven times in the return for the Valoines barony, being duly appended, as prescribed, to the several payments and their "causes."

The correspondence of Inquest and returns being thus close and indeed obvious, one is led to wonder how their editor can have committed himself to so unfortunate an assertion. He would seem, instead of studying the articles, to have started with a preconceived and erroneous view of their character, and then rejected my own view because the returns "are not specially connected with the alleged maladministration of the fiscal officers which was the subject of the above inquiry, but . . . with the private feudal relations

¹ This phrase and the "sine iudicio," which the Articles employ as its opposite, should be compared with the formula for the Assize of Novel Disseisin.

INQUEST OF SHERIFFS (1170)

of the same (*i.e.* individual barons) with their subtenants." He cannot have read the second article, which is specially concerned with the latter relations, and which stands in every way on a level with the first (concerning the fiscal officers). Moreover, by a lucky chance, there is preserved among these documents at least one fragment of the return to the enquiry as to the king's officers. For we read that the men on one manor "*nil dederunt Vicecomiti neque prepositis Regis præter xvi d. quos dederunt ad castellum firmandum de Oreford,*" etc., etc. Nay more, we can identify at least two of these returns as having been made in reply to the *third* article of the Inquest :

Et similiter inquirant de hominibus illis qui post terminum illum habuerunt alias ballivas de domino rege in custodia, sive de episcopatu, sive de abbatia, sive de baronia, sive de honore aliquo vel eschaeta.

The returns numbered 55, 56 (p. cclxxx.) are classed by Mr. Hall among "*Baroniæ incertæ.*" They relate, however, to the barony or "honour" of William Fitz Alan, which had been for many years in the king's hands. It was 'farmed' in 1170, as it had been for ten years, by Guy l'Estrange ("*Wido Extraneus.*") Guy had a brother John,⁴ who appears in these returns as in charge of the Norfolk portion of the honour. Since Michaelmas, 1165, a part of William Fitz Alan's land had been granted out to Geoffrey de Vere, and we accordingly find, at the end of the second return, one of William Fitz Alan's

⁴ Rot. Pip. 14 Hen. II. p. 124 ("*Honor Willelmi filii Alani*").

knights,¹ William de Pagrave, making him a payment. Now all this might have been explained by an intelligent editor. Mr. Hall has elaborated, instead, a series of fantastic errors.

I have dwelt on the point at some length, because, apart from the intrinsic interest of these curious returns—which have thus come to light after more than seven centuries—they establish the fact that this great enquiry extended to private landowners, a fact which even Dr. Stubbs, I fear, seems to have overlooked in the analysis he gives of the 'Inquest.' And further, they corroborate the articles of enquiry, where we can apply the test, and thus confirm the authenticity of the document in which those articles are found.

We must not, however, ignore Mr. Hall's own hypothesis, for the Rolls edition in which it is enshrined gives it an official *cachet*; and there may be those who think that arguments of this character require an answer.

So far as it is possible to understand it, this hypothesis would connect these Inquests with the scutage of Ireland (p. ccx.), which was duly accounted for (*annotatum*) in 1172, the expedition falling within the financial year Mich., 1171—Mich., 1172.² In that case these inquests, on Mr. Hall's own showing, could not have been held earlier than 1172, at "the conclusion of the campaign" (p. clxxxvi.). But they must have been held in 1170, for, as he observes

¹ See 'Liber Rubeus,' p. 272.

² Swereford's 'dictum' is wrong, of course, here as elsewhere (see my 'Studies on the Red Book').

INQUEST OF SHERIFFS (1170)

(pp. ccxi.), one of the fragments speaks of "istos iiij annos" (p. cclxviii.) reckoned from March, 1166.

But we have much stronger evidence than this. We read, at the outset, of these documents, that "it will be evident that they are connected with some Inquest of military service during the reign of Henry II." This is an extraordinary assertion from one who is himself their editor. For we have only to turn to the second on the list to find in it nothing but a detailed record of the sums given individually by some forty burgesses of (Castle) Rising towards paying off the mortgages of their lord the earl of Arundel, who was clearly in the hands of the Jews. And the long and most curious return from the barony of Robert de Valoines deals with a humble reeve who neglected his master's hay; a shepherd who had charge of his lord's fold; Brian, who looked after the wood; Gilbert, who kept the bees; and other dependents fined for negligence. We may even say, most confidently, that the idea of an Inquest of military service could never occur to any one who perused the whole of these documents with an unbiassed mind. They are simply the result of an enquiry into the payment of moneys, and the reasons for such payment. But Mr. Hall has a theory to advance, and can only see these records in its light. Briefly stated, that theory is that these documents "answer very nearly to the description of such an Inquest" on knight service as is referred to in the return for the Honour of Arundel assigned to 1166. That these documents are later in date; that they do not suggest an Inquest on knight service; that,

even if they did, they have no concern with an Inquest restricted to a Sussex Honour—all these objections are as nothing to Mr. Hall. He is as ready to “hazard the supposition” that conflicts with all the evidence as he was loth to accept a solution that fits in every way the facts of the case. May one not raise a strong protest against the sacrifice of a dozen pages, within a strictly limited space, to the enunciation of wildly conjectural and absolutely erroneous theories, not in the book of a private author, but in a Government publication, intended to form for all time the standard edition of a famous work?

Let us now turn to the Pipe Roll of 1172 (18 Hen. II.), which plays an important part in Mr. Hall's arguments. He tells us that

an entry occurs in several different counties which has proved a source of difficulty to several generations of historical students. The entry in question is headed “De hiis qui cartas non miserunt,” certain assessments being appended in each case for the Scutage of Ireland (p. ccii.).

We refer, as invited, to the roll itself, only to find that, on the contrary, it first records the “assessments for the scutage of Ireland,” and then heads the lists which follow: “De his qui cartas non miserunt.”¹ It is this very sequence that is responsible for the error of Madox, who held, as Mr. Hall observes, “that the charters in question must have been returned for the purpose of the Scutage of Ireland in 1171.”² Swereford, on the other hand, wrote of the 1172 roll:

¹ See, for example, pp. 75-7, 77-8.

² Or rather 1172 (Rot. Pip., 18 Hen. II.), “1171” being Mr. Hall's date.

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Quo quidem rotulo supplentur nomina illorum qui cartas non miserunt anno xiiij^o, prout superius tactum est (p. 8).

He is wrong, of course, in stating that the charters were returned in the "13th year" (an error which his editor carefully ignores), but perfectly right in his explanation, if we substitute "12th" for his "13th" year. Yet, having thus rightly shown that Swereford's explanation is the true one, his editor closes the paragraph thus :

The simple solution of the difficulty is that the tenants who were in debt for the aid of 1168 were so entered on the occasion of the next assessment (1171) in a conspicuous form (p. cciii.).

Really, this wanton confusion is enough to make Swereford turn in his grave. The entry which has caused the difficulty refers, not to "the tenants who were in debt for the aid" of 1168, but to those who had made no returns ("cartas non miserunt") in 1166.

Mr. Hall assigns Madox's error to his finding no "corresponding entries," under Sussex, in 1168 (14 Hen. II.) for those in 1172 (18 Hen. II.). And yet all three entries, in the latter year, of the earl of Arundel's tenants¹ have their corresponding entries in 1168.² The real cause of Madox's error has been explained above.

It is, we read, "significant" that in 1168 the earl's "assessment actually does not correspond with that recorded in the existing charter of 1166" (p. cciv.); for it only "gives 84½ fees for the Earl's Sussex

¹ Roland de Dinan, Ralf de Toeni, Goscelin the queen's brother (Rot. 18 Hen. II., p. 132).

² Rot. 14 Hen. II., p. 194.

THE HONOUR OF ARUNDEL

barony," while the Inquest referred to in his charter had the result that "13 more were acknowledged by the Earl as chargeable upon his demesne, raising the total to $97\frac{1}{2}$." Therefore, "we are almost tempted to suspect that the Earl's charter was not returned in 1166 at all, but only after an interval of several years." On which, of course, a theory is built.

Ingenious enough, is it not? Yet, as usual, a house of cards. For we find the "barony" charged only with $84\frac{1}{2}$ fees in 1194,¹ in 1196, and in 1211 (13 John),² precisely as in 1168. The total had not been raised at all; and the house of cards topples over.

The same unhappy paragraph closes with these words :

It is quite clear . . . that the dispute was practically settled, in the 18th year, only two refractory tenants remaining to be dealt with, and that the Earl paid the whole of his assessment in the 21st year.

We turn to the rolls, and find, as usual, that not two, but three, tenants (*ut supra*) were recalcitrant in the 18th year, and that the Earl, in the 21st (1175), did not pay a penny of his assessment ($84\frac{1}{2}$ fees), but was forgiven the whole of it.³

Not content with his own confusion, Mr. Hall proceeds to assign to others errors which they neither have made, nor would dream of making. He even asserts that Mr. Eyton and I "maintain that the honour of Arundel was granted to William de

¹ Rot. 6 Ric. I. (according to Dugdale).

² Liber Rubeus, pp. 113, 147.

³ Rot. 21 Hen. II., p. 82.

Albini by Henry I." (p. ccvii.), an assertion for which there is not the faintest shadow of foundation. Such a view would imply an absolute ignorance of all the facts of the case; and it was as foreign to Mr. Eyton¹ as it is to myself.²

One cannot be expected to waste time over his theory that the baronies mentioned in these fragments were specially involved in debt, which is a mere phantasy; but we may note, as the date is of importance, that "Avelina de Ria" was "compelled to atone" for her offence, in making her son a knight, by a heavy fine, not "in the 15th year," but in the 14th.³ In the same paragraph (p. ccx.) we are told that "this barony, like the honour of Arundel, was still unable to contribute towards the next Scutage, of 1171."⁴ As a matter of fact, it paid at once £30, out of £35, the total for which it was liable,⁵ a very creditable proportion; while the honour of Arundel was not even charged with any payment for this Scutage, which was only assessed on those "qui nec abierunt in Hybernia," etc.

But enough of this error and confusion. If the reader is tempted to grow weary, what must be the feelings of the writer, who has thus to remove, brick by brick, this vast edifice of error, so perversely and wantonly erected, before the simple facts can be brought to the light of day. It is weary, it is thankless work; and yet it has to be accom-

¹ History of Shropshire, ii. 201.

² Feudal England, p. 245; Geoffrey de Mandeville, p. 322.

³ Rot. 14 Hen. II., p. 29.

⁴ *i.e.* 1172.

⁵ Rot. 18 Hen., p. 30.

A BLAZE OF CONFUSION

plished. I am tempted to quote these apposite remarks from the critical articles by Mr. Thomas Bond on a no less misleading work :

Numberless difficulties are suggested where none really exist, and possibilities and probabilities unaccompanied by proofs are offered for their solution. . . . The narrative is so diluted and confused that it is difficult to follow it shortly and comprehensively. I can, therefore, only select some of the most remarkable errors and notice them *seriatim*, quoting the author's own words in order to avoid the risk of unintentional misrepresentation. . . . It may be asked, Where is the difficulty which requires these strange, far-fetched 'probabilities' for its solution? . . . All this is fanciful and mere imagination. . . . In reply to all these supposed 'possibilities,' let us turn to certainties. . . . I have thus laid before the reader some of the numerous inaccuracies into which the author of this work has fallen, and have stated some of the singular theories he has advanced.¹

We have, in the Red Book Preface, the very same features. It is, perhaps, in his treatment of these interesting fragments (1170) that we detect most vividly Mr. Hall's strange capacity of inventing difficulties that do not exist, and of dismissing those that do. In the teeth of the clearest possible facts, we are given such vague probabilities, or possibilities, as these :

This will perhaps be . . . it is probable that . . . it can only be surmised that . . . we are almost tempted to suspect that . . . we may perhaps hazard the supposition that . . . would probably have been . . . it might be held that . . . we might perhaps identify, etc., etc. (pp. ccü.-ccvi.).

The fact is that, as I have said, this preface is really the fruit of a habit of mind, a mental twist, which distorts the writer's vision, and seems to impel him,

¹ Genealogist (N. S.), vol. i.

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irresistibly, to arrive at the wrong conclusion.¹ We trace this singular tendency throughout, but its effect has nowhere proved more disastrous than in his treatment of these returns to the great "Inquest of Sheriffs." That these records should have been so treated in the first work that gives them to the world is a really lamentable matter.

¹ See my 'Studies on the Red Book of the Exchequer' (1898), printed for private circulation, *passim*.

VII

The Conquest of Ireland¹

A BRILLIANT but paradoxical writer—I refer to Mr. Standish O'Grady—has, with unerring hand, sketched for us the state of Ireland when as yet the Norman adventurer had not set foot upon her shores.² To those who dream of a golden age, of a land in the enjoyment of peace and happiness till invaded by the ruthless stranger, the scene his pen reveals should prove a rude awakening. That Mr. O'Grady writes with unrivalled knowledge of his subject, is neither his only nor his chief claim to the confidence of those we speak of: they are more likely to be influenced by the fact that his sympathies are all with the Irish, that he cannot conceal his admiration for government by 'battle-axe,' and that he strives to justify what to English eyes could be nothing but a glorified Donnybrook Fair. He is wrathful with Mr. Freeman for picturing Ireland as only "the scene of waste tribal

¹ This paper, written a few years ago, is a sketch based on (1) *The Song of Dermot and the Earl*. Edited by G. A. Orpen. Oxford, 1892. (2) *Giraldi Cambrensis Opera*, vol. v. Edited by J. F. Dimock. London, 1867. (3) *The Book of Howth*. Edited by J. S. Brewer, 1871.

² *English Historical Review*, vol. iv.

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confusions, aimless flockings and fightings, a wilderness tenanted by wolves and wolfish men," and claims that her history, in each generation, was at this time "that of some half-dozen strong men striving for the mastery . . . a most salutary warfare, inevitable, indispensable, enjoined by nature herself."

No! Freedom, whose smile we shall never resign,
Go, tell our invaders, the Danes,
That 'tis sweeter to bleed for an age at thy shrine
Than to sleep but a moment in chains.

If we cannot agree with this able champion in viewing the warfare he describes as a healthy process of evolution, we may at least gladly admit that some knowledge of this dark period, lighted only by the lurid torch of rapine and internecine strife, is as essential to a right understanding of the Anglo-Norman settlement as is the study of English history, for some generations before the Conquest, the necessary prelude to a comprehension of the Norman Conquest itself.

It is not, however, for the Conquest only that this knowledge of the true state of Ireland ought to be acquired. The light it throws on the Irish people, their inherited and unchangeable tendencies, is of value from the parallel it presents to the latest modern developments. "Tribes and nations," writes Mr. O'Grady, "had ceased to count"; the struggle was one in which, "released from all control," some half a dozen rival kings "fiercely battled like bulls for the mastery of the herd." No lively imagination, surely, is required to see the spirit of this strife renewed in the leaders of the present Irish party, or prophesy a revival, under Home Rule, of the days when "Tur-

lough O'Connor and Tiernan O'Rourke were terribly at war—Ireland (the chronicler adds) a shaking sod between them." Although, in the true Hibernian spirit, Mr. Standish O'Grady can speak of this as a "vast and bloody, but not ignoble strife," I hold that its animating spirit was an ambition as ruthlessly personal as that which leads the Presidents of South American Republics to wade through blood to power, and to reduce their country to 'a shaking sod' for the gratification of their rivalry. It is the absolutely personal character of this strife which is fatal to Mr. O'Grady's argument that a strong 'Ardriship,' or central rule, was in actual process of evolution before the invaders arrived. Where that rule was based only on personal prowess or strength of character, it was liable, at any moment, to be broken up by death, and once more replaced, if not by anarchy, at least by such internecine strife as has been the fate of Mr. Parnell's party since the removal of his strong hand. There was, as Mr. O'Grady is never tired of reminding us, but one way, in those halcyon days, of securing the hegemony of Ireland: "a normal Irish king had to clear his way through the provinces, battle-axe in hand, gathering hostages by the strength of his arm"; he had to "move forward step by step, battle-axing territory after territory into submission." The only vote known was given by "the mouth of the battle-axe"; and for the dissentient Irishmen of the time there were "always ready battle-axes and trained troops of swift raiders and plunderers." Nor was it necessary for the Irish king to set his "trained plunderers and cattle drivers" at work on every occasion. The convenient

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and recognised institution of hostages provided him with some one he could hang or blind without the least trouble, and thus anticipate the fate which might very probably be his own.

Remember the glories of Brian the brave,
Though the days of the hero are o'er.

Even the danger of interference from without could not permanently unite the Irish among themselves. The Scandinavian settlers had turned this weakness to account by siding now with one and now with another of the factions, and had finally made good their possession of the seaport towns, where they stood towards the rest of the island much like the Ulstermen of to-day, a hardy race of alien origin and long of hostile faith, merchants and seamen to whom the natives left all the traffic with other lands. One cannot but think from the small part they seem to have played in the struggle between the Irish and the Norman invaders that their heart was rather in trading than in war, and that the old wiking spirit had flickered down among them, or at least found a new vent. Not so with the Norman adventurers. That marvellous people had as yet preserved their restless activity, their boundless ambition, and their love of martial enterprise. Conquerors, courtiers, or crusaders, they were always lords in the end ; the glamour of lordship was ever present above the Norman horizon. Ireland alone knew them not, and thither they had now begun to cast eager eyes. The wave that had spread itself over England and Wales had now gathered up its strength anew, and the time had come for it at last to break on the Irish shore.

‘THE SONG OF DERMOT’

It is at this point that the curious poem Mr. Orpen has so ably edited comes to our aid as an historical authority of singular value and importance. Although long known to scholars from Michel's publication of its text (1837), it was described by Mr. Dimock, who knew its value, in the preface to his edition of Giraldus, as then "in great measure useless" from the want of competent annotation. He observed with truth that "no more valuable contribution, perhaps, to the history of the first few years of the English invasion of Ireland could be made" than a worthy edition of this poem. Such an edition Mr. Orpen may justly claim to have produced. The corrupt and obscure condition of the text demanded elucidation no less urgently than the Irish names with which it teems required special knowledge for their correct identification. It is not too much to say that Mr. Orpen has shown us how much can be done by skilful editing to increase the value of an authority. Avoiding the overelaboration that one associates with German scholarship, he has provided his readers with an apparatus at once sufficient and concise. Text, translation, notes, map, chronology, and glossary, all are admirable in their way; and the patience with which the barbarous names, both of places and of persons, have been examined and explained is deserving of warm praise. As to the way in which a text should be treated scholars will generally differ in certain points of detail, but Mr. Orpen's method shows us, at least, the exact state of the text from which he worked. There is still room, perhaps, for further conjectural emendation. For instance, in the lines—

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Crandone pus a un barun,
Ricard le flemmeng out anun—

where the editor is fairly baffled by 'Crandone,' perfect sense might at once be made by reading:—

Slan donat pus a un barun,

which would satisfy at once the conditions of metre, of locality, and of the context. So too, in the interesting Lacy charter printed on page 310, the editor might have detected in Adam de 'Totipon,' the Adam de 'Futepoi' of Giraldus, and the Adam de 'Feipo' of the poem: in records the name appears in both forms. The case of this man, one may add, is peculiarly interesting, because I have detected him as a knightly tenant of Hugh de Laci in England in the returns of 1166, in which he seems to be disguised as "Putipo." He thus came, we see, to share in his lord's greatness, becoming one of the leading 'barons' in his new dominion of Meath.

It is necessary to explain that although this poem, in the form here preserved to us, dates only from about 1220 to 1230, it enshrines materials contemporary with the actual invasion and conquest. For it is based upon a narrative which seems to have closed not later than 1176, and for which the *trouvère* or compiler of the poem was indebted to Maurice Regan, the interpreter, and, one might almost say, the diplomatic agent of king Dermot, whose matrimonial adventures were the *causa causans* of the whole story. In giving to the poem the name of "the Song of Dermot and the Earl," the editor has brought out the fact that its narrative is chiefly concerned with the doings of Dermot and his son-in-law, 'Strongbow,' as

VALUE OF THE POEM

the earl of Pembroke has been commonly named.¹ It is not improbable that the original work was only carried down to the earl's death in 1176. Mr. Orpen lays special stress on the fact that there are but "two allusions pointing to a much later date," and claims it as "a remarkable fact that, with the exception of these two allusions . . . there is nothing, so far as I have observed, pointing to a later date than 1177." He would seem, however, to have overlooked an allusion to John de Curci's subsequent troubles in Ulster in the lines :

De curti out anun iohan,
Ki pus isuffri meint [a]han.

This, however, like the other two, would be only an addition by the later versifier, and does not affect the main fact that we are dealing with a metrical version of a story contemporaneous with the conquest, and enshrining in ll. 3064-3177 "the only connected account of the subinfeudation of Leinster and Meath . . . that has come down to us, a sort of original Domesday Book of the first Anglo-Norman settlement." As such, it has the advantage of date over the 'Expugnatio' of Giraldus; it is also instinct with evidence of native local knowledge; and, above all, it stands apart from any other authority in its independent point of view. Giraldus wrote, as is well known, largely with the object of glorifying his relatives, who made the invasion of Ireland almost a family undertaking; in Regan, on the other hand, we have the panegyrist of Dermot and the earl of Pembroke,

¹ See the paper below on 'The Marshalship of England.'

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who carried to such a height the spirit of party faction as to denounce as "traitors" all his countrymen who were opposed to Dermot and his foreign allies.

The opening lines are, unfortunately, imperfect and so obscure that the nature of the materials from which the *trouvère* worked, and the exact share in their authorship due to Regan have been, and must remain, to some extent matters of conjecture. Mr. Orpen himself inclines to the belief that Regan supplied the unknown *trouvère* with a tale already "put into metre"; but Dr. Liebermann has rightly urged the improbability of our poem being merely an adaptation of one previously composed. Indeed, that eminent scholar has advanced a theory of his own, namely, that the real original source was a "lost chronicle" about the conquest of Ireland which Giraldus Cambrensis had used in 1188 for his 'Expugnatio.' And this theory he bases on some striking parallel passages.¹ To the few typical parallels adduced by Dr. Liebermann I would myself add some taken from the stirring tale of the saving of Dublin when, mad for revenge, the ousted Northmen assembled from all the isles of the north to regain their lost dominion. This sudden upheaping, for a moment, of the old wiking flame was but a splendid anachronism: like the Highland rising of the 'forty-five,' it was curiously out of date. Yet the old Scandinavian spirit, if dulled among the traders of Dublin, still burnt in the hardy rovers they had now summoned to their aid; and the Irish chieftain who stood aloof watching with his men the surging fray as the little

¹ English Historical Review, viii. 132.

THE FIGHT FOR DUBLIN

band of Anglo-Normans strove to repel the onslaught, saw not merely rival conquerors, quarrelling, like vultures, for the spoil, but deadly foes whose own lives hung on the issue of that fight. But while in a fit of 'berserker' fury, 'John the Mad' led the attack against the eastern gate, Richard de Cogan, the governor's brother, had privily sallied from another one :—

Este vus Johan le deue	Duce Johanne agnomine
Vers dyuelyn tut serre,	the Wode . . . viri
Vers la cite od sa gent	bellicosi . . . ordinatis
En dreite la porte del orient,	turmis ad portam orien-
.	talem muros invadunt.
La cite unt dunc asaillie.	

Then, marching round till he reached the rear of the assailants, he fell on them suddenly with a mighty shout, and the Northmen, caught between his brother and himself, wavered at last in their attack. The Danish axe still whirled in the hands of 'John the Mad,' cleaving its way, as of old, through helm and coat of mail :

De une hache ben temple	Militis quoque coxa ferro
Cosuit le ior un chevaler	utrinque vestita uno securis
Que la quisse lui fist voler ;	ictu cum panno loriceæ præcisa.
Od tut la hache de fer blanc	
Lui fist voler la quisse al champe.	

But John himself fell at last ; and the sons of the vikings fled to their ships. Hasculf, their king, captured alive, hurled at his captors words of scorn, and was by them promptly beheaded, "pur son orgoil e ses fous dis," or, as Giraldus tersely puts it, "insolenti verbo."

If Dr. Liebermann's theory be accepted, it would

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involve, as he reminds us, the important consequence that we have in our poem and the 'Expugnatio' not two independent authorities, but narratives drawn from a common source. The discrepancies, however, between the two are so numerous and so significant that we cannot accept this new view as at all satisfactorily proved.

But turning to a third source of information, known as "the Book of Howth," I have no hesitation in saying that its nature has been quite misunderstood. It is difficult to render clear, within a short compass, the hopeless confusion that surrounds the subject, and that is, virtually, all to be traced to an error of that ardent collector, but most untrustworthy antiquary, Sir George Carew, whose voluminous MSS. at Lambeth include both the 'Regan' poem and the Book of Howth, and to whom we should have felt more grateful if he would only have left them alone. But the worst offender was Professor Brewer, whose work it is the fashion to rate very highly indeed, though I have found it by no means unimpeachable even in his calendars of the state papers of Henry VIII.¹ Now the Professor ought to have been quite at home on this Irish subject, for it fell to his lot to edit the first four volumes of Giraldus as well as the Book of Howth; yet he not only stereotyped and carried further Carew's original error, but found fault, somewhat unjustly, with Mr. Dimock's remarks in his preface to the 'Expugnatio.'

The real facts of the case are these. So popular were the works of 'Master Gerald,' as Mr. Dimock

¹ See my 'Early Life of Anne Boleyn.'

observed, that they survive, not only in many MSS., but in several early translations. The pedigree of these translations has not been properly worked out. At Trinity College, Dublin, we have two in E. 3, 31, and F. 4, 4, while at Lambeth we have the so-called ‘Conquest of Ireland’ by Bray—published by Messrs. Brewer and Bullen, with the Book of Howth—and in the latter (pp. 36–117) there is included another and more modernized version. Of these the one assigned to Bray was held by Professor Brewer to have been written about the end of the 14th or beginning of the 15th century, and to be “so interesting and curious a specimen of English as spoken in the Pale” that he decided to print it in full and to retain the original orthography. But E. 3, 31 was, he admitted, “a still earlier version.” Yet this latter MS., when submitted by Mr. Dimock to so competent an authority as Mr. Earle, was pronounced by him to be “a truly interesting specimen of fifteenth (*sic*) century Hibernian English.” He added that it well deserved publication, in which remark I certainly concur, its language being most curious. Professor Brewer (p. xxiii.) declared it “an error” of Mr. Dimock and others to term this MS. a translation of Giraldus, but the real error, we shall find, was his own. The other Dublin MS. (F. 4, 4), to which he does not allude, is assigned by Mr. Dimock to “the sixteenth century” (p. lxxvii.), and declared to be “a transcript from the earlier E. 3, 31,” a description which, unfortunately, misses the point. The solution, I believe, of the whole mystery is that there was a very early and exceedingly free translation of Gerald’s ‘Expugnatio,’

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which, after the mediæval fashion, spoke of him at times in the third person, and thus assumed, in places, a quasi-original form. This original translation, which seems to be now lost, was copied both by the writer of E. 3, 31 and by Bray in his 'Conquest of Ireland,' the latter only modernizing somewhat the language. Then come the two other MSS., both of the latter part of the 16th century. Of these the distinctive feature is that while still copying, though further modernizing, the original translation—for internal evidence seems to prove that the Book of Howth at least was derived from neither of the above copies—they interlard it with certain passages taken from another and distinct source. This discovery, which corrects Mr. Dimock and overthrows the conclusions of Professor Brewer, is based on collation of the essential passage in the Book of Howth with its parallel passage in the Dublin MS. F. 4, 4 as given in Hardy's 'Catalogue of Manuscripts relating to the History of Great Britain,' on the authority of Mr. W. M. Hennessy :

BOOK OF HOWTH.

This much Cameransse left out in his book aforesaid with other things, more for displeasure than any truth to tell, the cause afore doth testifie. God forgive them all. This much that is in this book more than Camerans did write of was translated by the Primate Doudall in the year of our Lord 1551 out of a Latin book into English, which was found with O'Neill in Armaghe.

TRIN. COLL. MS. F. 4, 4.

This much Camerans left out of his book . . . with other things more for displeasure than any truth to tell, the cause before do testifie, God forgive them all. This much that is in this book more than Camerans did writ of was translated by the Primet Dowdall in the yere of o' Lord God 1551 out of a Latin book into English, which was found with O'Neil in Armaghe.

Nothing can be more clear than this reference to

THE "GESTES" OF JOHN DE COURCY

the interlarded portions, which can all, I may add, be identified and separated from the 'Giraldus' portion. But Carew carelessly wrote, in the margin on fo. 6, that the *whole* narrative "was translated out of an old book of O'Neale's written in Latin, and put into English by Dowdall, Primate of Ardmaghe, beginning in anno 1167." Though Professor Brewer had the words of the original before him, and though he could not but admit that Bray "follows closely the footsteps of Giraldus," yet he was so misled by Carew's unlucky slip as to assert that the MS. E. 3, 31 was "nothing more than a translation of the Latin chronicle once in O'Neill's possession, which Carew calls 'the Conquest of Ireland, written by Thomas Bray'" (p. xxiii.). These, on the contrary, are precisely the versions which have no interpolations from that source. The Armagh book was devoted to the deeds of John de Courcy, Conqueror of Ulster, though, by a crowning error, Professor Brewer was careful to distinguish it from "A Chronicle of the Gestes or Doings of John de Courcey, Earl of Ulster." Apart from the interest of its contents, the "book" has a special importance from a significant allusion by Giraldus, when closing his chapter on John, who was never, by the way, "Earl of Ulster":

Sed hæc de Johanne summam, et quasi sub epilogo commemorantes, grandiaque ejusdem gesta suis explicanda scriptoribus relinquentes, etc., etc.

Having now cleared up all this confusion, I need not dwell on Professor Brewer's further failure to detect the share taken by Christopher lord of Howth in the compilation of the book that bears the name of

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his house, but will resume our discussion of the Anglo-Norman poem.

Although, as I have said, the nature of the materials supplied to this 13th century *trouvère* must remain as yet conjectural, the question is of some literary interest in its bearing on the relation of the 'Carmen Ambrosii' to the 'Itinerarium Peregrinorum,' if not to the chronicle of Richard of Devizes, in which cases, by a converse process, we find a French poem utilized by a Latin chronicler. It is the plausible suggestion of M. Paul Meyer that the *trouvère* to whom we owe this poem composed it by desire of the countess of Pembroke, daughter of the earl, and granddaughter of Dermot, just as the great 'Marshal' poem, now in course of publication, was written for the glorification of her husband's family.¹ That the writer was a Pembrokeshire man is rendered extremely probable by his evidently close acquaintance with that district, and his recognition of the Flemish element in 'little England beyond Wales.' A curious test of his accuracy is afforded by his mention of the king's departure for Ireland :

Li rei henri, quant eskipa,
A la croiz en mer entra.

It is a warning to the critical school of historians that Miss Norgate very naturally supposed the poet to have here mistaken Crook, in Waterford harbour, where Henry disembarked, for the place where he took ship. Mr. Orpen has shown conclusively, from records, that the 'croix' was the usual place of embarkation for those leaving Pembroke for Ireland.

¹ Romania, xxi. 444-451.

ACCURACY OF THE POEM

We have thus a peculiar feature of the poem in its combination of the Irish knowledge possessed by the original informant with the acquaintance of its later versifier with men and places in that district from which the adventurers had so largely come.

Among the points on which this poem gives us special information we may note its mention of a man who played no small part in the royal administration of Ireland.¹ We read that, on the coming of king Henry,—

Willame le fiz audeline
Od lui vint a cel termine (ll. 2603-4).

Belonging to the same type as the men whom the first Henry had steadily raised to office and to power as a check upon the turbulent feudal nobility, William was called upon to play a similar part in Ireland as the representative of the royal power among the eager adventurers who had flocked to the land of promise. Hence their bitter complaints against his rule to the king, and the violent criticism of his personal character to which Giraldus gave utterance from the point of view of his kinsmen. Now Professor Tout rejects the statement, in the two lines we have quoted, that William came with the king, and infers from the 'Gesta' that Henry had despatched him some time before from Normandy to govern till he came. But there is evidence—though unknown, it would seem, to historians—that throws fresh light upon the question. Mr. Eyton, in his 'Court and Itinerary' of the king, could not discover any document belonging to his stay at Pembroke (29th September to 16th Octo-

¹ See 'Feudal England,' pp. 516-518.

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ber), while waiting to cross to Ireland. It was there, however, on the 7th of October (as the date is, in this case, given) that he granted a charter to the men of Maldon,¹ from which we learn that with him at the time were the earls of Cornwall and Clare (Hertford), Roger Bigod, three of his 'dapiferi,' or household officers, William Ruffus, Alvred de St. Martin, and William Fitz Audelin, with two men, Hugh de Gundeville and Robert Fitz Bernard, whom he took with him to Ireland and left there. It is clear then that if William Fitz Audelin and Robert Fitz Bernard met him on landing at Waterford, they can only have preceded him, at most, by a few days. This discovery vindicates the virtual accuracy of the poem.

Mr. Eyton's work, to which I have referred, records (p. 165) another charter of interest for its date. It belongs to Henry's stay at Wexford, in March, 1172, on his way back to England. As only the first two witnesses were known to Mr. Eyton, a full list may here be appended as illustrating the king's *entourage* on this expedition.

Testibus; Comite Ricardo filio Gilberti; Willelmo de Braosa; Willelmo de Albin[eio];² Reginaldo de Cortenay; Hugone de Gundevilla; Willelmo filio Aldelini dapifero; Hugone de Cresy; Willelmo de Stotevilla; Radulfo de Aya (*sic*); Reginaldo de Pavily; Radulfo de Verdun; Willelmo de Gerpunvilla; Roberto de Ruilli; Apud Wese-fordam.³

¹ Morant's Essex, i. 331 note. Morant gives no reference for this early and interesting charter, but I have lately been fortunate enough to find it in Lansd. MS. fo. 170, where it is transcribed among some local records from "Placita corone, 13 Edw. I." It must, therefore, have been produced in 1284-5.

² Son of the earl of Arundel.

³ MS. Hargrave 313, fo. 44 d (pencil).

THE GLOVE AS GAGE

Turning now to other subjects, one of the most curious allusions in this poem is that which refers to the practice of tendering a folded glove as a gage for waging one's law. Maurice de Prendergast is accused of treason in protecting the king of Ossory from the perfidy of his foes :

E Morice a sun guant plee,
A son seignur lad baille,
Quen sa curt ad dressereit
De quant quil mespris auet.
Asez lunt replegeez
De vassals engleis alosez.

So, too, when Robert Fitz Stephen was brought as a traitor before king Henry :

Le fiz estephene pleia sun guant
Al rei le tendi maintenant :
De quantque lui sauerat retter
Lui vodrat robert adrescer
En sa curt mult uolenters
Par la garde de tuz sez pers.
Asez le plegerent errant
Franceis, flamengs e normand.

Mr. Orpen aptly quotes the case of the dying Roland, when 'por ses pechiez Dieu porofrit lo guant,' and refers us to 'vadium in duello,' and 'plicare vadia' in Du Cange. But the most instructive remarks on this custom will be found in Professor Maitland's introduction to precedents for the Court Baron.¹ The formula he finds for this antique wager runs thus: "He shall wage his law with his folded glove (*de sun guant plyee*) and shall deliver it into the hand of the other, and then take his glove back and find pledge for

¹ Selden Society publications, iv. 17.

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his law." The learned writer explains that the folded glove typified that chattel of value which "in very old times" was the *vadium*, *wed*, or gage constituting the contract, and that this was now supplanted by a contract with sureties, who had become the real security for the party's appearance in court. This procedure, it will be seen, is brought out in our poem, which was written about a century earlier than the treatise Mr. Maitland quotes. The mention here, I may add, of "his peers," and the phrase, as Mr. Orpen points out, 'Li reis receut le cors' (l. 2635) suggest surely that the writer of the poem had a special knowledge of legal formulas.

The careful reader will detect also a constitutional hint in the summons to the tenants by knight service to come to the assistance of king Henry in the rebellion of 1173:

Chevalers, baruns e meyne,
A chescun barun par sei,
Par le commandement le rei,
Que tuz passassent la mer
En normandie li reis aider.

For we see here an allusion to that special summons, to which, whether for council or for war, each 'baron' was entitled. One of the grievances of Becket, it may be remembered, at Northampton was that he had not been summoned 'par sei,' but only through the sheriff. Perhaps, however, the most important contribution made by this poem to institutional history is found in that most important passage, ll. 3064-3177, which the editor describes as "a sort of original Domesday Book of the first Anglo-Norman settle-

ment," and as presenting all the appearance of being, in substance, a contemporary account. For, apart from its obvious value as "the only connected account of the subinfeudation of Leinster and Meath by earl Richard Fitz Gilbert and Hugh de Laci, respectively," it affords a very striking confirmation of the new theory on knight service advanced by me in the pages of the 'English Historical Review,' in which, as against the accepted view maintained by Dr. Stubbs and Mr. Freeman, I contended that the *quota* of knight service was determined not by the area of the fief, but by "the unit of the feudal host," and is therefore reckoned in round numbers, and is almost invariably a multiple of 5, if not of 10.¹ I proved this to be the case for England, and appealed to the Irish evidence as confirming the discovery. But I did not quote this remarkable passage, from which we learn that in Meath—which Henry had granted to Hugh de Lacy for the service of fifty knights (l. 2730)—Richard Fleming was enfeoffed to serve with twenty knights, and Gilbert de Nugent (as we learn from charter evidence) with five; while in Leinster, which the Earl, as we learn from charters, held by the service of a hundred knights, Maurice de Prendergast received his fief "pur dis [10] chevalers servise," Walter de Riddlesford was bound to furnish twenty knights, and a certain Reginald was assigned fifteen as his quota. Our confidence in the poem is increased by the fact that it names fifty knights as the service due from Meath, which we know to be correct, while so good an

¹ See also 'Feudal England.' Mr. Oman, of course, questions my theory; but scholars, I understand, accept it (see pp. 56-7 above).

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authority as the 'Gesta' makes it a hundred. The whole of this curious passage is ably annotated by Mr. Orpen, and the puzzling place-names identified. But, familiar though he clearly is with almost every source of information, he would seem to be unacquainted with the valuable Gormanston Register, which contains, I believe, a transcript (fo. 190 *a*) of the actual charter by which earl Richard granted to Maurice Fitz Gerald Naas and Wicklow (ll. 3085-92)—the former for the service of five knights.¹ The same Register has copies of three charters (fos. 5*b*, 188*b*), showing how the lands spoken of in the poem as granted to Gilbert de Nangle came, under Richard I., to Walter de Lacy, who granted them in turn to his brother Hugh.

The comparative ease and rapidity with which a handful of adventurers had parcelled out among themselves the most fertile portions of the island is perhaps the most surprising feature of the whole story. It is certain that the native Irish were by no means wanting in courage; indeed, they were then, as they always have been, only too ready to fight. Their weapons were good and were skilfully wielded; but like the wild Celts of Galloway, who had hurled themselves in vain, at the Battle of the Standard, against a line of mailed warriors, they scorned the use of defensive armour. Their mode of warfare was essentially suited to woods and bogs and passes, while their assailants were accustomed, from continental warfare, to cavalry actions in the open. Combining the evidence of our poem with that of Master Gerald, we can see clearly that, as in so many decisive

¹ See also my paper on "The Barons of the Naas" in 'Genealogist'

THE WARFARE OF THE CONQUEST

encounters, from Hastings itself to Culloden, the issue turned on the conflict of wholly differing tactics. Precisely as at Hastings, the Normans—now the Anglo-Normans—enjoyed the enormous advantage derived from the use of the bow. Giraldus, whatever his defects, was a shrewd and sound observer; and he tells us of the demoralizing effect on the natives, in the early days of the conquest, of the arrows against which they had no means of defence. Careful investigation shows that each band of the invaders landed with a force of knights and archers, the latter being usually found in the proportion of ten to one. In the combined action of these two arms, as at the great battle which had decided the fate of England, the Normans excelled. “*In Hibernis conflictibus,*” wrote Gerald, “*hoc summopere curandum, ut semper arcarii militibus turmis mixtim adjiciantur.*” As Harold had discovered, before the Conquest, how unsuitable was a force composed of heavily-armed English infantry for pursuit of the nimble Welsh, as Richard was shortly to find his host of mailed knights and men-at-arms harassed to death by the swift movements of the light Saracen cavalry, so, writes Gerald, the Irish could only be successfully attacked by troops able to pursue them among their mountain fastnesses. Nor are his criticisms less true for being animated, as they evidently are, by the scorn of his gallant relatives, as the pioneers of the conquest, for those later comers who despised their experience, and on whom they looked in their fierce warfare, as a rough colonist of the present day would look on a pipeclayed guardsman.

The very first battle in which the invaders took

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part proved that the Irish could not hope to stand against them in the open. Forcing their way with Dermot into Ossory, through the woods and bogs, they found themselves deserted at a critical moment by almost all their native allies, who lost heart suddenly and fled. Maurice de. Prendergast, one of their leaders, saw that the little English band was likely to be "rushed" by the natives, with whom the woods were swarming ("Que els lur curusent sure"). In accordance with the old Norman tactics, he detached his archers to form an ambush, and then spurred for the open field: the natives followed in hot pursuit, and their wily foes, reaching ground on which cavalry could act, turned and rode them down. The archers in their rear completed their discomfiture, like the English sharpshooters at Poitiers, and the native "friendlies," with their beloved axes, were soon spread over the field, pleasantly engaged in decapitating the corpses of their fellow-countrymen. I see no reason to doubt the tale of king Dermot gloating over the heads that his followers brought and piled before him, and leaping for joy as with a loud voice he rendered thanks to his Creator on detecting among them the face of a specially hated foe. It may have been the thought of his own son, blinded by his kingly rival, that made him, we read, clutch the head and gnaw the features with his teeth. Such a 'deviation from humanity' (to quote a famous phrase) will not seem incredible to those who have seen his countrymen, centuries later in the history of civilization, burn alive a woman as a witch,¹ deliberately mutilate defenceless

¹ 14th March, 1895.

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men, or dance in the very blood of the murdered Lord Mountmorres.

In all this internecine conflict the only motive that can clearly be traced is the passionate desire for vengeance. To glut that desire Dermot was ready, not only to call in the alien against his fellow-countrymen, but even to promise 'Strongbow' the succession to Leinster and his followers landed possessions, which he could only do at the cost of enraging his own kinsmen and subjects. Giraldus, indeed, is at pains to justify the position of the English in Ireland, and to claim that it was virtually brought about by consent rather than by conquest. Here again we may best picture to ourselves the situation by comparing the treaties or concessions wrung from barbarous potentates by the adventurous Englishmen of to-day. Dermot had notoriously promised what was not his to give, without the least consideration for the rights or interest of his people. But just as, at the conquest of England itself, Norman casuistry had enabled William to claim the succession by gift of his kinsman, and to forfeit as traitors all those who opposed that claim, and just as his followers, by Norman law, though standing in the shoes of English thegns, assumed the position of feudal lords, so, in Ireland, the new settlers looked at things from a feudal standpoint, and so originated that conflict of irreconcilable politics which has practically continued without intermission ever since. In the end indeed, especially outside of Meath and Leinster, they adapted themselves, as is well known, to the native system of government, and became, in the eyes of the English, more or less Irish chieftains. But at

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first the necessities of the case accentuated their alien status. For on the one hand the weakness of the royal power, and on the other the danger of their position, conspired to give their settlement an intensely feudal character. Our poem, as we have said, shows us the lords of Meath and Leinster, respectively, enfeoffing their followers to hold of them by knight service, and these became, it should be noticed, the "barons" of Meath or of Leinster, a term which in England was only found in the border palatinates of Chester and of Durham. These barons were encouraged to construct castles at once as the best defence against those sudden raids in which the Irish were wont to indulge. In accordance with the policy of the Romans in their day, and with our own at the present time, when extending the borders of the Empire, the shrewd Gerald strongly urged that the country should be opened up by constructing roads through its wilds, and then held by fortified posts, or, as he expressed it, by castles. Writing within twenty years of earl Richard's landing, he had already to lament that the Irish had learnt from their foes the use of the bow, and had so greatly improved their tactics that the easy victories of the early invaders were no longer possible: by castles alone could their successors hope to hold the land.

In the conquest of Ulster we have, perhaps, the most striking exploit of the whole invasion. Accomplished by individual, and indeed unauthorized, enterprise, it was not complicated, as in the south, by native co-operation or royal interference, but was carried through by the reckless daring of a single

SEIZURE OF ULSTER

adventurer and his band. With two and twenty knights and some three hundred followers, John de Courci set forth from Dublin, about the close of January, 1177, to conquer the kingdom of Ulster. Eager for plunder and the joys of the foray, there had flocked to his standard those adventurous spirits who chafed beneath the strict rule of the governor, William Fitz Audelin. In the depth of winter they hurried forth, and reaching Down by forced marches on the fourth day from leaving Dublin, were enabled to seize it by a *coup de main*. Masters thus of the capital of the land, they had also secured a maritime base invaluable for their further operations. The Irish, stunned by the suddenness of the blow, had fled, carrying their king with them, and the adventurers were soon revelling in the plunder they had sought. In vain the natives, rallying from their flight, endeavoured to recapture their lost stronghold. Like the garrison of Dublin when beset by Roderick O'Connor and his host, John and his handful of followers sallied forth upon their foes. Giraldus shows us their leader as he lived, towering in height above his fellows, a man of war from his youth up, whose only fault was the martial ardour that led him, when the battle raged, to forget the general in the soldier, as he charged headlong on his foes. Mounted on his famous white war horse, he now performed, as usual, Homeric deeds of valour, lopping off the heads and limbs of his enemies with a sweep of his tremendous sword. The Irish, though beaten at length, attacked him again in the summer, only to experience again defeat at his hand. But so desperate was the struggle for the land that in one of

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his battles he was left with only eleven knights. With their horses slain, and without food, the little band fought their way, for thirty miles, through their foes, and made good their escape. By sheer hard fighting 'Ulvestere'—now Down and Antrim—was at length virtually subdued and then 'castled' by John. In time there rose on every side those strongholds of which the crumbling ruins long bore witness to the harassed lives of the alien lords of the land. Dreading the perils of the cloud-swept glens, and creeping from rock to rock within sound of that troubled sea, the "Barons of Ulster," in their eyries, perched on the basalt crags, wrought about the land a belt of conquest of which we have the noblest relic in the wild glory of Dunluce. Their heirs still lingered on, four centuries later, clinging "in great poverty and peril" to the lands their ancestors had won. The Savages, the Jordans, the Russells could still be recognised by their names, but we read of the "Fitzurses, now degenerate, and called in Irish McMaghon, the Bear's son."¹

¹ Book of Howth (Carew Papers), p. 23. It would be of great interest to the genealogical student to connect these Fitz Urses of Ulster with the English family of the name, one of whom, Reginald, was among the murderers of Becket (cf. 'Geoffrey de Mandeville,' p. 53). Proof may be found, I think, among the charters of Stoke Curcy Priory, Somerset, now at Eton (9th Report Hist. MSS., i. p. 353). The Fitz Urses and De Curcis are found together among the Priory's benefactors, and William de Curci is the first witness to a charter of Reginald Fitz Urse. We further find (Ibid.) a charter of William de Curci, to which "John de Curci, Jordan de Curci" are witnessed. As the conqueror of Ulster had a brother Jordan who was slain by the Irish, it is probable that he may be found in this John de Curci, and his *provenance* thus established. It is probable, therefore, that he was followed by Fitz Urse to Ulster from Somerset, and possibly even by Russell (Ibid. pp. 354 a, b).

FEUDALISM AND FACTION

Like the proud lords of Leinster and of Meath, John de Courci had his feudal officers, his "constable" and "marshal," his "seneschal" and his "chamberlain." Ulster, in fact, had duly become a typical feudal principality. Essentially obnoxious as such a development must have been in the eyes of the English Crown, its weakness in Ireland compelled it to temporize, nor could it find any better way of checking this growth of feudal power than by playing off, in Ulster, the Lacys against De Courci, just as it played them off against the Fitzgeralds in the south. Thus was initiated that policy of see-saw which, in practice, has always been, and is still, pursued. A striking passage on the subject in the quaint Book of Howth is not inapplicable at the present time, when the prospect of that steady government which Ireland so badly needs seems as distant as ever.¹

By reason that the Irish heard this alteration and change of governors, they did wholly swear never after to obey to the English men, and said, 'Seeing that themselves cannot agree, why should we condescend to them ever after? For seeing that they cannot love each one and other of themselves, they would never love us that is strangers, and their mortal enemies. Therefore let us take part together, and do that which please God we shall; and first, here is in Connaught some of their knights, and if we get the upper hand upon them we shall the easier win the rest.'

'Divide et impera' was the policy adopted, and the spirit of faction which the nobles seem to have imbibed from their Irish neighbours was thus encouraged by the Crown. This system may be said to have lasted down to the days of Elizabeth, to be succeeded, in the 17th century, by the new rivalry

¹ This was written some years ago.

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of Catholic and Protestant, Cavalier and Roundhead. But still the island was allowed to become the battle ground of parties, favoured now, in turn, by England, according to the government in power at the time. But never, perhaps, has this unfortunate system been more recklessly or disastrously pursued than since Mr. Gladstone's bid for the votes of the 'Nationalist' party.

Although Giraldus has been bitterly assailed for criticising with no sparing hand the undoubted failings of the Irish, he showed, we think, on the contrary, far more fairness than might reasonably be expected from a writer in his position. But he did far more than this. It might indeed be truly said of him '*Rem acu tetigit*': he boldly gave the reasons why the conquest of Ireland was a failure, and added frank and shrewd advice as to its government in the future. Even as we have been often told that Cromwell would have settled the Irish question, had only his 'thorough' policy been relentlessly pursued, so Giraldus justly reminds us that the first flood of conquest was checked by Henry II., when the work was only half done, and that Henry himself, in like manner, only put his hand to the plough to turn back at once and leave the work to others. Those others, again, were commissioned only to be recalled: the strong centralized administration that was shaping the English realm was never organized in Ireland; the Crown harassed, but it did not govern. The four prophets of Ireland, he wrote, had duly foretold that the island would not be mastered by the English till the eve of the day of judgment. If he accused the Irish of shiftiness and treachery, as the

failings that accompanied their natural quickness, he sternly rebuked his own countrymen for despoiling their native allies of their lands, and wantonly insulting the native chieftains when they came to pay their respects to John as lord of Ireland. He even charges them with being corrupted by their intercourse with the natives into sometimes imitating their treachery. That this charge was not without foundation we learn from the French poem, which gives a spirited description of the action of Maurice de Prendergast—one of its heroes—when he brought his ally the king of Ossory to the English camp, having pledged his word for his safety. The king of Munster urged that his rival should be treacherously seized, “*E li baruns, san mentir, le voleient tuz consentir.*” But Maurice, indignantly denouncing their contemplated breach of faith, swore by his sword that he would cleave the head of the first man who should dare to lay a hand upon the king.

It is chiefly, I think, because his evidence is fatal to the idle dream of an Irish golden age that the evidence of Giraldus on the state of the country has been so bitterly assailed. For my part, I believe his statement as to the corruption in church matters to be entirely honest, and deem them in accordance with what we know from other sources. In his curious sketch of the lay ‘ecclesiastics,’ with their long flowing hair, and with nothing clerical about them but the absence of weapons, he touches one of the worst abuses from which the church suffered in Ireland. The very see of Armagh itself had been held for at least two centuries in hereditary succession by lay

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chieftains, and the practice had spread widely to the degradation of the church. For half a century, indeed, before the coming of the invaders, efforts had been made at church reform; but the initiative had come from England and from Rome, and little encouragement was given by the native rulers themselves. Nor will those who are acquainted with Irish society in the past reject as improbable the statement of Giraldus that the clergy, though greatly distinguished by their chastity and fervent devotion to divine service, were apt to spend their evenings in drinking somewhat deeply. But even to this he is careful to add, there were found honourable exceptions. The important fact to be remembered is that, if Ireland had once been a centre of Christianity, a bright star in a heathen age, its church had deteriorated, not advanced, amidst the ceaseless and murderous strife of native rule.

To say that the Anglo-Norman settlement, with its conquest, or rather half conquest, of the country, proved a blessing to Ireland, is a proposition that no one, probably, would care to maintain. Why this should have been so is one of those fascinating problems that must ever arouse the speculation and stir the interest of the student. The far earlier Scandinavian settlements in Normandy and in Eastern England have little in common with the exploits of Strongbow's daring band. Sicily in every way affords a closer parallel. Nearer in time to the events we have discussed, its conquest, also, was no less essentially a private enterprise. What the sons of Tancred had accomplished in the south, the children of Nesta

CAUSES OF THE FAILURE

well might hope to bring to pass in the west. Indeed the adventurers of the 11th century had faced a task, to all seeming, harder than that which confronted the adventurers of the 12th. Some might hold that the Norman race was no longer in its prime, that its great conquering and governing powers were already impaired. That its enterprise was less ardent, that in England it was settling down, is, no doubt, the case: from the turbulent regions of Wales adventurers were still forthcoming, but the pioneers of Irish conquest were not supported by that inflow from England which was needed for so great an undertaking, and which, in earlier days, would probably have hastened to their support. But this was only one among the causes of the great Irish failure. Sicily, like England, fortunate in its kings, was fortunate also in that position of isolation which enabled its Norman conquerors to work out their own destiny. If only Ireland had enjoyed the same geographical advantage, if it had been far enough distant from England, its invaders might, in the same fashion, have established a dynasty of their own, and have quickly accommodated themselves, with the marvellous adaptability of their race, to those native ways to which indeed many of them did, ultimately, so strangely conform. It is now recognised that the kings of England did not, and could not, become true English kings till the loss of their Norman possessions drove them to find in England their true home and country. Giraldus was right when he urged that his friends should have been let alone, or the royal power, if brought into play, exercised in full force. One can, indeed, imagine

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what might have been the fate of England, if, half conquered by adventurous bands of Normans, she had then been half governed, from abroad, by a Norman duke.

Deeper still, however, lay the root of the trouble. The Normans had found England a kingdom ready made, its people accustomed to governance and recognising the reign of law. Coming of a kindred stock, and possessing kindred institutions, the English had only to receive the addition of a feudal system for which their own development had already made them ripe. In Ireland, on the contrary, the new comers found no kindred system. Its tribal polity had placed between its people and themselves a gulf impassable because dividing two wholly different stages of civilization. With no common foundation on which to build, they could only hope to become Irish by cutting themselves off from their own people. If, on the other hand, they wished to substitute law and order for native anarchy, there was no indigenous machinery for the purpose such as the Norman kings had found and used in England: they had no alternative but to introduce the system they had brought with them, a system absolutely irreconcilable with all native ideas of land tenure. Whether Ireland, if left to herself, would even yet have emerged from the tribal stage of society becomes doubtful when we contemplate the persistence of the *mores Hibernici*. A comparison of the changes in our own people between the 12th century and the days of Queen Victoria—or even of Queen Elizabeth—and those discernible in the Irish people suggests relative stagnation. It clings to its

THE IRISH CHARACTER

ways as the peasant clings to that patch of soil which he will not leave, and on which he can exist only in squalor and in want.¹ Of one thing at least we may be sure. No fonder dream has enthralled a people's imagination than that of an Irish golden age destroyed by ruthless invaders. The first invaders who entered Ireland did so by the invitation of one of her own sons ; and they found it, as an Irishman has said, "a vast human shambles."

Let Erin remember the days of old,
Ere her faithless sons betrayed her.

We went to Ireland because her people were engaged in cutting one another's throats ; we are there now because, if we left, they would all be breaking one another's heads. When an eminent patriot is good enough to inform us of his desire, but for the presence of a British judge, to wring a brother patriot's neck, we are reminded that the sacred fire still burns in Celtic breasts. *Ævum non animum mutant.*² The leaders of the Irish people have not so greatly changed since the days when 'King' MacDonnchadh blinded 'King' Dermot's son, and when Dermot, in turn, relieved his feelings by gnawing off the nose of his butchered foe. Claiming to govern a people when they cannot even govern themselves, they clamour like the baboo of Bengal

¹ By the 22nd article of the Irish peace of January, 1648, the natives were promised the repeal of two statutes, one against "the ploughing with horses by the tail," and the other prohibiting "the burning of oats in the straw."

² As this paper goes to press, the news arrives (3rd April, 1899) of Mr. Davitt being stoned by his fellow-patriots at Swinford.

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against that *pax Britannica*, by the presence of which alone they are preserved from mutual destruction. No doubt, as one of them frankly confessed, they would rather be governed badly by themselves than well by any one else. But England also has a voice in the matter ; and she cannot allow the creation of a Pandemonium at her doors.

VIII

The Pope and the Conquest of Ireland

ONE of the hottest historical controversies that this generation has known has been waged around a certain document popularly but erroneously styled "the Bull *Laudabiliter*." Duly found in the Roman Bullarium (1739) and in the Annals of Baronius, its authenticity had remained unshaken by sundry spasmodic attacks, and, some thirty years ago, it was virtually accepted as genuine by Roman Catholic and by Protestant historians alike. But since its learned examination and rejection by Dr. (since Cardinal) Moran in November, 1872,¹ the tide of battle has surged around it, the racial and religious passions it aroused imparting bitterness to the strife.

"It is a question with me," Mr. Gladstone wrote, of Adrian's alleged donation, "whether as an abnormal and arbitrary proceeding, it did not vitiate, at the fountain head, the relation between English and Irish, and whether it has not been possibly the source of all the perversions by which that relation has been marked. . . . In Ireland the English fought with an unfair advantage in their hands; they had a kind of pseudo-religious mission, a mission with religious sanctions

¹ Irish Ecclesiastical Record.

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but temporal motives. I do not see how this could work well."¹

It may be as well to explain at the outset that, as befits an Irish controversy, the famous "Bull" in dispute is not really a Bull at all, and that of the two assertions for which it is so furiously assailed, the one is not to be found in it, but comes from another source, while the other rests upon documents which even an assailant of the Bull admits to be "certainly authentic." But amidst the smoke and dust of battle, these elementary points seem to have been hopelessly obscured.

For the benefit of those who may not be acquainted with "the Bull *Laudabiliter*,"² I may explain that the document in question is inserted in the '*Expugnatio Hibernica*' of Giraldus Cambrensis,³ published in or about 1188, and is asserted by him to be the document brought from Rome by John of Salisbury in 1155. He also gives with it a confirmation of it by Alexander III., obtained, he states, by Henry II. after his visit to Ireland.

Apart altogether from these two documents are three letters from Alexander III., which are, similarly, only known to us at second hand, being transcribed in what is known as the Black Book of the Exchequer.⁴ Broadly speaking, for the moment only, the main difference between these letters and "the Bull *Laudabiliter*" is that while, in the latter, Pope Adrian commends the intention of king Henry to go to Ireland and reform the gross scandals prevailing

¹ See 'Times,' 8th Feb., 1886, p. 8.

² It has been so long spoken of as a "Bull" that one hardly knows how to describe it. So long, however, as it is realized that it was only a letter commendatory, no mistake can arise.

³ Rolls Series, Edition v., 318. ⁴ Ed. Hearne (1774), i. 42-48.

there, Pope Alexander, in the three letters, commends the action of the king in having gone there for that purpose.

Having thus given a general idea of the five documents to be considered, I must now glance at the motives that have animated the attack on the "Bull." The first of these is the reluctance of the Irish, as Roman Catholics, to believe that it was the Pope who authorized an English king to reign over Ireland; the second is their refusal to admit that the state of things in Ireland is truly described in the "Bull."

Taking these reasons for attack separately, the first, as I hinted at the outset, is a curious misconception. I need only, to prove that it is so, print side by side the words of two bitter assailants of the Bull—Father Gasquet and Father Morris.

FATHER GASQUET.

By this instrument . . .
Adrian IV. gave the sovereignty
of the island to our English king
Henry II. . . . From time
to time the 'fact' that an Eng-
lish Pope made a donation of
Ireland to his own countrymen
is used . . . for the purpose
of trying to undermine the in-
born and undying love and de-
votion of the Irish people for
the sovereign Pontiffs. . . .
(But) Dr. Moran, the learned
Bishop of Ossory, adduced many
powerful, if not conclusive, rea-
sons for rejecting the 'Bull' as
spurious.¹

FATHER MORRIS.

The document by which Pope
Adrian is supposed to have made
over Ireland to Henry Plantage-
net. . . .

In this letter there is not one
word which suggests the idea of
temporal domination.²

¹ Dublin Review, 3rd Ser., vol. 10, pp. 83-4.

² Ireland and St. Patrick, pp. 66, 68.

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The fact is that the unfortunate document, denounced for its sanction of Henry's enterprise, does little, if anything, more than the three Black Book letters, which emphatically approve that enterprise, when undertaken, and sanction its results. Yet these letters are accepted, we shall see, while the Bull is denounced as "spurious."

So, also, the general charges against the character and morals of the Irish people at the time, implied by the words of the 'Bull,' are actually eclipsed by those formulated in the Black Book letters. And yet the authenticity of the 'Bull' is assailed on the ground of these charges, while that of the letters is either accepted or discreetly let alone.

It may have been observed that, in my opinion, these letters have by no means played that important part in the controversy to which they are entitled. The reason, perhaps, may be found in the fact that while the defenders of the documents in the 'Expugnatio Hibernica' are conscious that these letters by no means help their case, the assailants would rather ignore evidence which confirms those statements in the "Bull" that have specially aroused their hostility and forced them to denounce it as 'spurious.'

Father Gasquet, for instance, only refers to these letters as affording "some very powerful arguments against the genuineness of Pope Adrian's Bull,"¹ and is careful not to commit himself, personally, to their authenticity.

The vigorous attack by Father Morris, in his

¹ Dublin Review, *ut supra*, pp. 93, 95.

CONTRADICTIONARY CRITICISM

"Adrian IV. and Henry Plantagenet,"¹ on "the document by which Pope Adrian IV. is supposed to have made over Ireland to Henry Plantagenet" is painfully disappointing. For he tells us, at the outset, in his Introduction that

were it not for the argument which it is supposed to carry with it against the character of the Irish Church in the twelfth century, the document itself would not have much importance (p. xxxii.).

It is, therefore, his avowed aim to redeem the character of that church, and his attack on Adrian's "Bull" is only undertaken to that end. He wishes to destroy the "impression that the Church in Ireland in the twelfth century was corrupt and disorganized"; he repels "the accusation that Ireland, in the 12th century had lapsed into barbarism, and had so far lost her place in the Christian commonwealth that the Pope was in a way compelled to come to the rescue."² To prove his case he is bound, of course, to deal with and reject the three letters of Alexander III. (1172), which contained so detailed and fearful an indictment of the state of morals and religion in Ireland at the time. What, then, is our astonishment when he abruptly observes :

Our inquiry comes down no farther than Pope Adrian. Subsequent letters of Roman pontiffs on the subject of Ireland stand by themselves (p. 141).

Is it possible that he felt himself estopped by the verdict of his predecessor, Cardinal Moran, whose "judicial spirit" he commends,³ and who, while re-

¹ Ireland and St. Patrick (2nd Ed., 1892), pp. 65-147.

² Ibid. pp. 65, 85.

³ Ibid. p. 143.

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jecting "Laudabiliter," accepts as "certainly authentic" these awkward letters. It seems to me equally uncandid in Miss Norgate to avoid discussing the "Privilegium" of Alexander III., and in Father Morris to ignore his letters in the 'Liber Niger' which affect so gravely his case, and indeed impugn his arguments.

In their blind animosity to the "Bull," its Roman Catholic opponents have been led into most astounding, and indeed contradictory, assertions. Father Gasquet, for instance, prints side by side with "Laudabiliter" the letter of Adrian to Louis VII., in order to prove that their opening passages are "almost word for word the same."¹ Yet Father Morris, who appeals to this letter, and assures us that "there is no question as to the authenticity of this document,"² insists that the style of "Laudabiliter" is "in glaring contradiction to all the authentic 'Bulls' of Adrian IV."³ It may be retorted that the letter to Louis was not a "Bull." But, then, no more was 'Laudabiliter': the two documents belong to precisely the same class. Stranger still, in assailing what he terms "the spurious letter," he points out, as a flaw, that

in the supposed commission to Henry the judge comes, as it were, with lance in rest, as if he were charging the Moslem, without any reference to those "undiminished rights (*jura illibata*) of each and every church," in the defence of which, as we have seen, Pope Adrian was ever inexorable.⁴

It will scarcely be believed that the "spurious letter"

¹ Dublin Review, *ut supra*, p. 101.

² Ireland and St. Patrick, p. 128.

³ Ibid. p. 121.

⁴ Ireland and St. Patrick, pp. 128-9.

contains the very words for the omission of which it is condemned ("jure nimirum ecclesiarum illibato et integro permanente"), and that the test of Father Morris thus recoils against himself. It is difficult to treat seriously so careless, or so reckless, a controversialist.

Having now briefly explained on what documents the controversy turns, I may mention that my own reason for joining in so fierce a dispute is that I hope to be able to contribute towards its decision two facts which, so far as I know, have as yet escaped notice.

Wishful to approach the subject from an independent standpoint, I have not studied the German papers dealing with the subject, but have contented myself with those of Cardinal Moran (1872), the *Analecta Juris Pontificii* (1882), Father Gasquet (1883), Father Malone and Father Morris (1892), with Miss Norgate's *résumé* of the case and unhesitating defence of 'Laudabiliter' in the 'English Historical Review' (1893).¹

Miss Norgate, in her lengthy article,² defended the "Bull" with some warmth, recapitulating and answering the arguments of its various assailants. There are, however, involved two distinct questions, which, to quote a phrase of her own, "have been somewhat mixed up"³ by her. For clearness' sake, I give them thus:

(1) Did John of Salisbury obtain from Pope Adrian

¹ The latest German papers appear to be those of Scheffer-Boichort in 'Mitteilungen des Instituts für Österreich-Geschichtsforschung,' *Ergänzungsband iv.* (1892); and of Pflugk-Harttung in 'Deutsche Zeitschrift für Geschichtswissenschaft,' *x.* (1894).

² E. H. R., viii. pp. 18-52.

³ *Ibid.* p. 42.

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in 1155 a document which "gave Ireland," as he expressed it, "to king Henry"?

(2) If so, was it the document set forth *verbatim* by Giraldus in his 'Expugnatio Hibernica'?

I have read through, not once or twice, but time after time, with the greatest care, Miss Norgate's article defending the authenticity of the "Bull," and I cannot find that this distinction has even dawned upon her mind. Yet, to adapt her closing words, "one who fully accepts the first" of these propositions "may yet dare to say" of the other, *non sequitur*.

To the first of the above questions I give no negative answer: I merely quote the two passages on which the assertion rests:

Ad preces meas illustri regi Anglorum Henrico secundo (Adrianus) concessit et dedit Hiberniam jure hereditario pos- sidendam; sicut literæ ipsius testantur in hodiernum diem. Nam omnes insulæ, de jure antiquo, ex donatione Constan- tini . . . dicuntur ad Ro- manam ecclesiam pertinere. Annulum quoque per me trans- misit aureum, smaragdo optimo decoratum, quo fieret investitura juris in gerenda Hibernia; idem- que adhuc annulus in curiali archivo publico custodiri jussus est.—JOHN OF SALISBURY.	(privilegium) quod idem rex ab Adriano papa Alexandri de- cessore antea perquisierat, per Johannem Salesberiensem, post- modum episcopum Karnotensem, Romam ad hoc destinatum. Per quem etiam idem papa Anglorum regi annulum aureum in inves- tituræ signum præsentavit; qui statim, simul cum privilegio, in archivis Wintoniæ repositus fuerat. ¹ —GIRALDUS CAMBRENSIS.
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¹ "The majority of historians," Miss Norgate writes (E. H. R., viii. 18), "have assumed that these two statements are two genuine and independent accounts of one real transaction." On this I pronounce, for the present, no opinion; but I have printed the parallel passages above, that readers may form their own opinion as to the points of resemblance.

GERALD'S TEXTS UNTRUSTWORTHY

As I only described, at the outset, the documents, I have not hitherto touched on the passage in the 'Metalogicus.' But it should be observed that just as Miss Norgate confuses two distinct questions, so Father Gasquet attacks "Laudabiliter" for a statement found, not in that document, but in this passage from the pen of John of Salisbury.¹

It is with the second of the above two questions that I am immediately concerned. Assuming for the present that a document was actually granted by Adrian, what ground have we for believing that the text in the 'Expugnatio' is authentic? Between the appearance of her 'England under the Angevin Kings' and that of her article in the 'Review,' Miss Norgate seems to have discovered from Pflugk-Harttung, that there was no copy of it, as she had imagined, "in the Vatican archives."² She admitted, therefore, that "the letter actually rests upon the testimony of Gerald of Wales and the writer of the last chapter of Metalogicus." But here we see that confusion of thought of which I have spoken above. The authenticity of the letter given in the 'Expugnatio' rests on the authority of Gerald, and on his alone.

Let us then enquire what credence we should give to those documents he professes to quote *verbatim*. The two which naturally occur to one for comparison with "Laudabiliter," are the letter of Dermot to

¹ It has, of course, been asserted to be an interpolation. But, provisionally, I speak of it as his.

² Compare 'England under the Angevin Kings,' ii. 96 note, with E. H. R., viii. 20. Miss Norgate might have learnt the fact from Cardinal Moran's paper, which was published 15 years before her work appeared.

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"Strongbow" summoning him to Ireland,¹ and the "privilegium" of Alexander III. confirming that of Adrian.² The former begins with a normal address, and then—breaks at once into a quotation from Ovid!³ This gives us a clear issue. Does Miss Norgate believe, or does she not, that a warrior (and a savage) summoning a warrior, in the days of Henry II., would parade his classical erudition by dragging in tags from Ovid? And if she does not, how can she ask us to accept as genuine a document because it is given by Giraldus. As to the other test document, the "privilegium" of Alexander III., Miss Norgate is curiously shy of touching it; I can only find an incidental allusion to "the letter whereby Alexander III. is said to have confirmed the favour granted by his predecessor to Henry," and even this mention of it is merely introduced to protest against arguments "which are only appropriate to" that letter being used as fatal to the authenticity of "Laudabiliter" also.⁴ Indeed, by writing as she does of "the silence of Alexander III." as to Adrian's letter,⁵ she implies that the document given by Giraldus as his is an absolute imposture; and she uses, we shall find, in another place, an argument directly fatal to the authenticity of its contents.⁶ And yet Giraldus sets forth these two "privilegia" together as jointly constituting the title to Ireland derived by Henry from Rome. The two must stand or fall together; if

¹ Vol. v. pp. 246-7.

² Ibid. pp. 318-9.

³ Another quotation from Ovid occurs in the middle of this short document.

⁴ E. H. R., viii. 42.

⁵ Ibid. p. 48.

⁶ Ibid. p. 50.

THE ALLEGED DATE BASELESS

Gerald was capable of composing the one, he was certainly capable of composing the other.

Having now shown that the fact of a document being found in the pages of Giraldus Cambrensis is no proof of its authenticity, I turn to the first of the two points that I hope to establish.

The publication, in Ireland, of "the Bull Laudabiliter" is thus dealt with by Miss Norgate :

It is acknowledged on all hands that there is no sign of any attempt on Henry's part to publish the letter in Ireland . . . before 1175. In that year Gerald states that the letter was read before a synod of bishops at Waterford (Opp. v. 315-6). This statement, however, rests upon Gerald's authority alone ; beyond this there is no direct evidence that the letter was ever formally published in Ireland at all.¹

In another passage she admits, I understand, that it does not appear to have been published by Henry until 1175 at the earliest.² Now it is true that this date is so generally accepted that Father Gasquet in assailing, and Father Malone in defending, the authenticity of the Bull, are both agreed upon this point. The former, indeed, boldly writes : "It is a matter beyond dispute that no mention whatever was made by Henry of this 'grant' of Ireland by the Pope till at earliest A.D. 1175."³ Father Morris similarly adopts "1175" as the date when "Henry is said to

¹ E. H. R., viii. 44.

² Ibid. p. 31.

³ Dublin Review, *ut supra*, p. 90. So too on p. 96 : "Giraldus Cambrensis asserted that both these Bulls were produced in a synod of Irish clergy at Waterford in A.D. 1175." Cardinal Moran also argued from this date.

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have exhibited it at a synod held at Waterford.”¹ Yet, when we turn to the passage referred to by Miss Norgate, we find that no year is named by Giraldus himself. Mr. Dimock appended the marginal date “1174 or 1175,” and this was also the date he adopted in his Introduction. It was doubtless from him that Professor Tout adopted this date in his life of William Fitz Audelin :

Fitzaldhelm² was also sent in 1174 or 1175 . . . to produce the bull of Pope Adrian. . . . He soon left Ireland, for (*sic*) he appears as a witness to the treaty of Falaise in October, 1174.³

If William was sent to Ireland, as alleged, in 1175, it is obvious that he cannot have returned thence by October, 1174. It is clear, in any case, that, on examination, the date accepted “on all hands,” as a fixed point, is a guess. Let us then see if, from other sources, light can be thrown on William’s mission. There is an entry on the Pipe Roll of 1173, which reads thus :

In Passagio Willelmi filii Aldelini et sociorum suorum et Heresiorum suorum in Hyberniam xxvii sol. et vi den. per breve Ricardi de Luci (p. 145).

Professor Tout oddly assigns it to an alleged despatch of William to Ireland in 1171; for in that case it would duly have been entered on the Pipe Roll of that year.⁴ It must, in the absence of evidence

¹ Ireland and St. Patrick, p. 131. He speaks, however, doubtless by oversight, of “the confirmatory letter of Alexander III. himself in 1177” (p. 141), though it belongs to the same date.

² This is the erroneous form adopted by Professor Tout.

³ Dictionary of National Biography, xix. 104.

⁴ The words “per breve Ricardi de Luci” imply the king’s

THE SEQUENCE OF EVENTS

to the contrary, be held to refer to a mission of William between Michaelmas, 1172, and Michaelmas, 1173. Is it then possible that this was the date of the mission of which we are in search, and not 1175, or even 1174? The answer, we shall find, involves more than a mere question of chronology.

"Gerald," Miss Norgate writes, "is certainly no chronologist."¹ Mr. Dimock was even more emphatic: "There can be no worse authority than Giraldus wherever a date is concerned."² In this case, however, as I have said, Giraldus does not even commit himself to a date: he merely uses the vague "interea." We must therefore deduce the date from the sequence as he gives it himself. And that sequence is perfectly clear. He takes us straight back to the Council of Cashel,³ and tells us that the document despatched by William and his colleague to Ireland had been sent by the Pope in reply to the report of the proceedings at that Council. Here are his own words:

(COUNCIL OF CASHEL.)

Ubi, requisitis et auditis publice terræ illius et gentis tam enormitatibus quam spurcitiis, et in scriptum etiam sub sigillo legati Lismoriensis, qui ceteris ibidem dignitate tunc præerat, ex industria redactis, etc. (v. 280).

absence from England, so that if William was despatched to Ireland in 1171, it must have been before the king's return on August 3. The charge would, therefore, have appeared on the (Michaelmas) Pipe Roll.

¹ England under the Angevin Kings, ii. 115.

² Vol. v., p. lxxxiii.

³ Close of 1171, or beginning of 1172.

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(ALEXANDER'S 'PRIVILEGIUM.')

Cum, *prænotatis* spurcitiarum literis in synodo Cassiliensi per industriam quæsitis, directis ad curiam Romanam nunciis, ab Alexandro tertio tunc præsidente privilegium impetravit, etc. (v. 315).

Miss Norgate, both in her History and in her article, seems to have overlooked this latter important passage, doubtless from its occurring in another part of Gerald's work. She has thus not only missed his sequence, but has failed to adduce his direct testimony to the despatch of documents to Rome after the Council of Cashel. Roger Hoveden is the only chronicler she quotes as an authority for the statement that "the bishops joined with Henry in sending to Rome a report of his proceedings and their own."¹ Now the 'Gesta Henrici' is a better authority to quote from here than Hoveden; and from it, therefore, I take the following statements :

(1) The Irish kings "seipsos ei et ejus dominio dederunt et homines ejus devenerunt de omnibus tenementis suis, et fidelitates ei juraverunt" (i. 25).

(2) The prelates "eum in regem et dominum susceperunt et fidelitates eo juraverunt contra omnes homines. Et inde recepit ab unoquoque Archiepiscopo et episcopo litteras suas in modum cartæ, extra sigillum pendentes, et confirmantes ei et heredibus suis regnum Hybernîæ, et testimonium perhibentes ipsos eum et heredes suos sibi in reges et dominos constituisse imperpetuum" (i. 26).

(3) "Cum autem hoc factum fuisset predictus rex Angliæ misit nuncios suos ad Alexandrum summum pontificem cum litteris archiepiscoporum et episcoporum Hybernîæ ad confirmandum sibi et heredibus suis regnum Hybernîæ, sicque factum est. Nam summus pontifex, auctoritate apostolica, confirmavit ei et heredibus suis regnum illud, et eos imperpetuum reges constituit" (i. 28).

¹ England under the Angevin Kings, ii. 116.

THE MISSION TO THE POPE

We have then the independent evidence of Gerald and of the 'Gesta'—

- (A) That Henry sent "nuncii" to Rome after going to Ireland.
- (B) That these "nuncii" took with them documentary evidence, in the form, according to Gerald, of "letters" from the Legate and prelates at Cashel, but according to the 'Gesta' of sealed recognitions, by the several Irish prelates of Henry and his heirs as kings (of Ireland).
- (C) That the Pope in reply, according to Gerald, sent a "privilegium" empowering Henry to rule the Irish, and reform their ecclesiastical condition,¹ but, according to the 'Gesta,' confirmed Henry in possession of the kingdom of Ireland, and appointed him and his heirs kings thereof for ever.

Here we have sufficient discrepancy to mark the independence of the writers, combined with a distinct agreement to the effect that Henry sent "nuncii" to Rome, that they took something with them to support the king's petition, and that the Pope, in reply to it, sent something back.

What was it?

Here we must turn to a third quarter, where the evidence is wholly independent. This is the Black Book of the Exchequer in which are entered the three letters from Pope Alexander, all of them dated

¹ "Hibernico populo tam dominandi quam ipsum in fidei rudimentis incultissimum ecclesiasticis normis et disciplinis juxta Anglicanæ ecclesiæ mores informandi" (v. 315).

THE POPE AND THE CONQUEST OF IRELAND

from Tusculum, 20th September, 1172. Miss Norgate, in her History, referred to them as documents of undoubted authenticity;¹ but in her article, though stoutly maintaining that their evidence was not hostile to the genuineness of the "Bull," she seems to have felt uneasy on the subject, for she changes her tone, and writes that they "purport to have been written by Pope Alexander III.,"² nay, even speaks of them as Alexander's letters, "if they indeed are his."³

To these letters, which Cardinal Moran pronounced "certainly authentic," I now invite attention. The first, which is addressed to Christian bishop of Lismore (the legate), the four archbishops (by name), and their suffragans the bishops, speaks of the "*vitiorum enormitates*" made known to the writer by their letters ("*ex vestrarum serie literarum*," "*ex vestris literis*") and the "*abominationis spurcitiam*."⁴ No more exact agreement could be found than this document presents with the statement of Giraldus that the Legate's letters, on behalf of the assembled prelates, recited "*tam enormitates quam spurcicias*" of the Irish. Again, the third letter, "to the kings and princes of Ireland," similarly charges the Irish

¹ "It is quite certain that the Pope did, some time before September 20, 1172, receive reports of Henry's proceedings in Ireland, both from Henry himself and from the Irish bishops, for he says so in three letters—one addressed to Henry, another to the kings and bishops of Ireland, and the third to the legate Christian bishop of Lismore—all dated Tusculum, September 20."

² E. H. R., viii. 44.

³ Ibid. p. 50.

⁴ The letter to Henry similarly speaks of "*enormitates et vicia*" described in the prelates' letters, and of "*abominationis spurcitiam*."

with "enormitatem et spurcitiam vitiorum"; and it confirms not only Giraldus but the 'Gesta' by its words: "in vestrum Regem et dominum suscepistis et ei fidelitatem jurastis . . . vos voluntate libera subdidistis . . . fidelitatem quam tanto Regi sub juramenti religione fecistis." Their "juramenti debitum et fidelitatem predicto Regi exhibitam" is spoken of also in the letter to the prelates. Passing now to the second letter, which is to Henry himself, it introduces a new element; for while that to the prelates had referred to their letters and "aliorum etiam veridica relatione," a vague phrase which, in the letter to the princes, reappears as "communi fama et certa relatione," the Pope, in writing to the king, gives as his sources of information, first, the letters from the Legate and Prelates, and then the *viva voce* statements of Ralf archdeacon of Llandaff.¹ Now we know from the 'Gesta' that this Ralf was sent by Henry to hold the Council of the Irish Prelates at Cashel;² and we further know that the king had sent him to Rome as an envoy in the Becket business some two years before.³ We have then, in this letter, confirmation of the fact that Henry sent a mission, with the prelates' letter, to

¹ "Suis nobis literis intimarunt, et dilectus filius noster R. Landavensis archidiaconus, vir prudens et discretus, et Regiæ magnitudini vinculo præcipue devotionis astrictus, qui hoc oculata fide perspexit viva nobis voce tam solícite quam prudenter exposuit" . . . "eisdem Archiepiscopis et Episcopis significantibus, et præfato Archidiacono plenius et expressius nobis referente, comperimus."

² Gesta, i. 28; and Hoveden, ii. 31.

³ Becket materials (Rolls, vii. 227, 233).

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Rome, while the envoy it names is the very one whom he was specially likely to send.

So far, then, we find a most convincing agreement. Pope Alexander relied mainly for information as to the state of Ireland and as to the action of Henry on the written report of his Legate and the other prelates of Ireland, and on the personal statements of the king's envoy who came with it. As to these points, there can really be no question.

But the best proof, to my mind, of the authenticity of these letters is that neither Giraldus nor any of the chroniclers used them, and that, so far at least as the 'Gesta' and Hoveden are concerned, they must have been purposely kept back. For the points of discrepancy are even more instructive than the points of agreement. It may have been observed that the 'Gesta' speaks of the documentary evidence as consisting of the prelates' sealed letters appointing Henry and his heirs kings of Ireland. Giraldus, on the contrary, makes it consist of a report from the Council of Cashel on the State of Ireland. The letters explicitly confirm the latter statement, and wholly ignore the evidence described in the former. Moreover, the assertion in the 'Gesta' that the Pope made Henry and his heirs, in reply, kings of Ireland for ever is at direct variance with the letters, which do nothing of the kind. We must, then, it seems to me, conclude that the 'Gesta' and Roger Hoveden deliberately strove to represent the Pope as doing what he did not do, and dared not, therefore, quote the letters, knowing them to be not at all what was wanted.¹

¹ The language must have been deliberately chosen, for the

ATTITUDE OF ALEXANDER III.

It seems to me a strong argument in favour of the letters to Henry himself, and one which may have been overlooked, that Pope Alexander pointedly speaks of Henry's fresh expedition as undertaken, like a crusade, by way of penance for his sins :

Rogamus itaque Regiam excellentiam, monemus et exhortamus in Domino, atque in remissionem tibi peccatorum injungimus quatinus, etc . . . ut sicut pro tuorum venia peccatorum adversus eam tantum laborem (ut credimus) assumpsisti, etc.

Even if the words do not imply that Henry himself had so represented it, they afford an answer to those who urge that the Pope could not have approved of such an enterprise by one who was himself at the time under a grave cloud.

Broadly speaking, they express the Pope's warm approval of Henry's expedition—as a missionary enterprise. It is as the champion of the church, and especially of St. Peter and his rights, that they praise him for what he has done. Specially significant is the fact that the rights claimed by Rome, under the Donation of Constantine, over all islands are not asserted (as by John of Salisbury) as justifying the grant of Ireland to Henry, but as entitling the Papal see to claim there rights for itself.¹

bishop's letters and the Pope's action are described in the same words :

“confirmantes ei et heredibus suis regnum Hiberniæ, et testimonium perhibentes ipsos eum et heredes suos sibi in reges et dominos constituisse imperpetuum” (p. 26).	“summus pontifex auctoritate apostolica confirmavit ei et heredibus suis regnum illud, et eos imperpetuum reges constituit” (p. 28).
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¹ “Et quia Romana ecclesia . . . aliud jus habet in Insula

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Accepting, then, these letters as genuine, let me briefly recapitulate how the case stands. Their contents agree, we have seen, independently, in the most indisputable way, with the narrative of Giraldus. Moreover, that narrative, when carefully examined, leads us to infer that the Pope's answer was despatched in reply to Henry's mission; and with that inference the date of these letters (20th Sept., 1172) agrees fairly enough. Such a date as 1174 or 1175 would not agree with it at all. Lastly, Giraldus tells us that the Pope's confirmation was despatched to Ireland with William Fitz Audelin; and, indeed, we should naturally expect that Henry, when he had succeeded in getting it, would lose no time in publishing the fact. Both the statement of Giraldus and that expectation are confirmed by the Pipe Roll entry, which proves that William Fitz Audelin did visit Ireland between Michaelmas, 1172, and Michaelmas, 1173, which is just the time that he must have done so, if he went there in charge of the Pope's letter (or letters).

But now comes the hitch. If Giraldus had given us the text of the letter which the Pope really sent, and which is entered in the Black Book, it would have agreed with and confirmed his narrative in every respect. Instead, however, of doing this, he gave a letter, which even his champions do not venture to defend as authentic, a letter which does not agree with his narrative—for it ignores the legate's report

quam in terra magna et continua, nos . . . magnificentiam tuam rogamus et solícite commonemus ut in præscripta terra jura beati Petri nobis studeas solícite conservare," etc., etc.

A CLUMSY FORGERY

and the other information supplied—a letter which, for all we can find in it, was written in complete ignorance, not only of Henry's visit to Ireland, but of every other fact in the case. In short, it is a mere general confirmation of Adrian's famous "Bull," and might as well have been issued before as after the king's expedition. And so clumsily is it introduced that Giraldus does not even make the king ask for anything of the kind.

I have said that even his champions do not defend its authenticity. Miss Norgate, who defends with equal fervour Giraldus and "Laudabiliter," admits that its critics are right in stating that the Pope's letters in the 'Liber Niger'

make no mention of any papal grant, nor of the tribute of Peter-pence, which "Laudabiliter" expressly states that Henry had undertaken to establish in Ireland.¹

But, she urges, it was most improbable that the Pope would refer to Peter-pence in 1172 :

It would have been much more surprising, because highly derogatory to his tact, wisdom, and justice, if he had mentioned it at that moment. . . . To expect that he should assail them with an instant demand for money before they had time to settle down in their new relations, would be to charge him with equal recklessness and rapacity.²

I do not say that I agree with the argument : it could, I think, scarcely be weaker. But the point is that Pope Alexander, in the letter given by Giraldus, and asserted by him to have been sent in reply to the letters from the Council of Cashel (1171-2), is represented as confirming the "Bull of Adrian"

¹ E. H. R., viii. 45.

² Ibid. p. 50.

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"salva beato Petro . . . de singulis domibus annua unius denarii pensione." That is to say that, if the letter is genuine, he did exactly what Miss Norgate assures us he would not have done. It follows then, from her own argument, that the letter cannot be genuine.¹

I must here again remind the reader of the cardinal point in my case, namely, that Giraldus has been misunderstood as assigning to "1175" the despatch of the Pope's "privilegium," whereas his narrative clearly shows that he treats that "privilegium" as obtained by Henry in reply to the report of the Council of Cashel (1171-2) and as the Papal sanction of what he had done in Ireland. That the king was anxious to obtain this sanction, and to publish it, when obtained, as soon as possible, we may readily believe. But that he obtained it as soon as possible, and, having done so, made no use of it till he suddenly, in "1175," despatched it to Ireland *à propos de bottes*, is an unintelligible hypothesis. In any case, we are confronted with the fact that both the "privilegium"² and the Black Book letter purport to have been despatched from Rome in reply to Henry's mission. But they could not both be the Pope's reply: one or the other must be false. This being so, we need not hesitate to decide in favour

¹ In the text of 'De principis instructione,' as is pretty generally known, the words "sicut a quibusdam asseritur aut confingitur, ab aliis autem unquam impetratum fuisse negatur," precede this letter. They look, Mr. Dimock thought, like a marginal note which has found its way into the text. I confess that to me also that is what they suggest.

² According to Giraldus, the sole authority for its existence.

THE 'BULL' NOT PRODUCED

of the Black Book letter ; for the "privilegium" given by Giraldus is virtually abandoned, we have seen, even by Miss Norgate.

The conclusion, then, at which we arrive is that Giraldus substituted for the true reply of the Pope a false one merely confirming the "Bull" *Laudabiliter*. From this conclusion we advance to the question whether, if he was capable of concocting (or giving it currency when concocted) a spurious letter of Alexander, he was not also capable of concocting (or giving it currency when concocted) that letter of Adrian, which he published with it, in the '*Expugnatio*,' and which, in fairness, must be treated as inseparable from it.¹

We saw clearly at the outset that he can have had no scruple as to inserting in his narrative—I will not say a forged document, but one of which the text was the work of his own pen. On this point, therefore, we need not hesitate. We may proceed then to enquire whether Henry II. was likely to keep silence as to Adrian's "Bull" when he entered Ireland—the very time when he might be expected to make use of it—and then produce it at a subsequent time with no particular reason. Two propositions are here involved. As to the first Father Gasquet has observed :

It was of vital importance when he went over to receive the homage of the Irish, and could never have been withheld or concealed at the Council of Cashel in 1172, at which the Papal legate presided.²

¹ The two letters hang together absolutely, it will be seen, in every way.

² Dublin Review, *ut supra*, p. 90.

THE POPE AND THE CONQUEST OF IRELAND

Father Burke, whom he quotes, has bluntly insisted on the fact; and Father Morris has similarly dwelt on the king's suspicious silence. So great, indeed, is the difficulty of supposing that Henry made no mention of the "Bull" at the very time when, if ever, he was likely to make use of it, that Miss Norgate wrote as follows, in her 'England under the Angevin Kings' (ii. 115):

We hear not a word of Pope Adrian's bull, but we can hardly doubt that its existence and its contents were in some way or other certified to the Irish prelates before . . . they met in council at Cashel in the first weeks of 1172.

Going even further, in another passage (ii. 81), she boldly spoke of Henry's "conquest won with Adrian's bull in his hand." And yet, when afterwards, in her article, she wished to deny the difficulty, she could turn round and confidently urge that "Henry said nothing about the Pope's letter, because it was a matter of no practical consequence whatever."¹ Such a *volte-face* as this does not tend to inspire confidence in her arguments. But even if we accept this, her later conclusion, it only increases the difficulty of explaining why Henry II. formally made the "Bull" public a year or two later (and still more, why he should have done so, as she holds he did, in "1175"). And this difficulty, so far as I can find, she does not attempt to meet.

Everything then, it seems to me, points to the clear conclusion that Giraldus substituted for the genuine letters from the Pope, in the 'Liber Niger,'

¹ E. H. R., viii. 48.

MOTIVE FOR THE FORGERY

a concocted confirmation of an equally concocted "Bull" from his predecessor Adrian.

Having arrived at this conclusion, I propose to ask three questions :

- (1) Why did Giraldus do this ?
- (2) How were his documents concocted ?
- (3) Was there a conspiracy, in which Giraldus joined ?

As to the Welshman's motive, it has been urged by his critics that he wished to gratify the king. Miss Norgate retorts :

At no period of his life is it likely that Gerald would have had any personal interest in putting in circulation, for King Henry's benefit, a document which he knew or suspected to be forged ; least of all would he have cared to do it for the sake of bolstering up Henry's claims upon Ireland.¹

But whatever may have been his personal feelings towards Henry II. his eagerness to prove the right of the English Crown to Ireland is one of the leading features of his 'Expugnatio Hiberniæ.' He sets forth more than once the arguments on which he bases it, and he treats the Papal action as the crowning argument of all :

Et quod solum sufficere posset ad perfectionis cumulum et absolutæ consummationis augmentum, summorum pontificum, qui insulas omnes sibi speciali quadam jure respiciunt, totiusque christianitatis principum et primatum confirmans accessit auctoritas (v. 320).

The reference, in this passage, to the Donation of Constantine, and therefore to "Laudabiliter," is clear.

¹ E. H. R., viii. 23.

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I pass to my second question : 'How were the documents concocted?' The unfortunate theory was advanced by the 'Analecta' writer that "Laudabiliter" was adapted from a genuine letter of Adrian written, in 1158, to Henry of England and Louis of France, forbidding them to enter Ireland, as they proposed to do, in conjunction. It was urged that this genuine letter had been altered into the 'Bull' *Laudabiliter*, and thus made to bear the very reverse of its meaning. It was necessary, for this solution, to hold that the genuine letter did not refer, as had been supposed, to Spain (*H[ispania]*) but to Ireland (*H[ibernia]*). Although this bold theory was adopted by Father Gasquet,¹ he seems to have been conscious of its weakness ; for he leaves it with the words : "Whether this theory as to the origin of the Bull be correct or not," etc., etc. The words "pagani" in the genuine letter are of themselves fatal to the theory, and Father Malone had no difficulty in showing that it was preposterous.² It is true that, as Miss Norgate admits,³ "between the introductory sentences of the two letters there is certainly a close verbal similarity," but even if this letter, relating to the Spanish crusade was placed under contribution by the concocter of our document, I should none the less advance as my own theory the view that Gerald employed, largely at any rate, the genuine letters of Alexander III., entered in the 'Liber Niger.' In support of this theory I might adduce certain suggestive parallels :

¹ Dublin Review, *ut supra*, pp. 97-103.

² Ibid., 3rd Series, vol. xi., pp. 328-339.

³ E. H. R., viii. 34.

METHOD OF THE FORGERY

THE LETTER.

sicut . . . comperimus,
. . . ad subjugandum tuo
Dominio gentem illam et ad
extirpandum tantæ abomina-
tionis spurcitiam . . . tuum
animum erexisti.

Christianæ religionis suscipiat
disciplinam . . . ita etiam
de suæ salutis perfectu coronam
merearis suscipere sempiternam.

quia, sicut tuæ magnitudinis
excellentia [P cognoscit], Ro-
mana ecclesia aliud jus habet
in Insula quam in terra magna
et continua, etc.

The very fact that these coincidences are rather suggestive than verbal, favours, I think, the theory of concoction. But I am chiefly influenced by the fact that "Laudabiliter" does little more than paraphrase and adapt the contents of Alexander's letter. Even its clause as to Peter's pence might be based on Alexander's insistence that Henry was not only to guard "jura beati Petri," but "si etiam ibi non habet (jura)"—as was the case with Peter's pence—to establish them himself.

And now as to my third question: 'Was there a conspiracy?' I doubt if sufficient attention has been paid to the remarkable words of the 'Gesta Henrici,' followed as they were by Hoveden.¹ That they were introduced of set purpose is evident from their repetition.² It should be observed that the story told

THE "BULL."

Significasti . . . nobis
. . . te Hiberniæ insulam ad
subdendum illum populum legi-
bus et vitiorum plantaria extir-
panda velle, intrare.

crescat fidei Christianæ religio,
et quæ ad honorem Dei et salu-
tem pertinent animarum taliter
ordinentur, ut a Deo sempiter-
num mercedis cumulum consequi
merearis.

sane Hiberniam et omnes in-
sulas . . . ad jus beati Petri
et sacrosanctæ Romanæ ecclesiæ,
quod tua etiam nobilitas recog-
noscit, non est dubium pertinere.

¹ *Vide supra*, p. 184.

² *Gesta*, i. 28.

THE POPE AND THE CONQUEST OF IRELAND

in the 'Metalogicus' of Adrian and in the 'Gesta' of Alexander is to the same effect:

METALOGICUS.

regi Anglorum Henrico secundo (Papa) concessit et dedit Hiberniam jure hæreditario possidendam.

GESTA HENRICI.

summus pontifex . . . confirmavit ei et heredibus suis regnum illud, et eos imperpetuum reges constituit.

Neither the letters in the 'Liber Niger' nor even the documents given by Giraldus can justify these expressions. Yet this must have been what we may term the view officially adopted. As the Black Book letters of Alexander III. could not be made to support this view, its upholders preferred to fall back on the alleged grant by Adrian, as the source of Henry's title, and to pretend that his successor Alexander had merely confirmed it. "Laudabiliter" did not, it is true, go so far as was required, but it carried back the title to Adrian's action, and, so far, supported the story.

The subsequent attitude of Rome towards the English story is a matter of obvious interest, but, as yet, of much obscurity. Cardinal Moran relied on the personal information of Theiner for the statement that

nowhere in the private archives, or among the private papers of the Vatican, or in the 'Regesta' which Jaffé's researches have made so famous, or in the various indices of the Pontifical letters, can a single trace be found of the supposed Bulls of Adrian and Alexander.¹

In the strict sense of the words, no doubt the above

¹ Irish Ecclesiastical Record, p. 61.

THE SUBSEQUENT BELIEF

statement may be absolutely true. But in the document below, from Theiner's own work,¹ we have, surely, in the words "de voluntatis sedis ipsius," a most distinct reference, at least, to Adrian's alleged action. In the preamble to a Papal dispensation of the 13th century, we find these words:

Exposita siquidem nobis dilecti filii nobilis viri Galfridi de Iauvilla patris tui, fili Symon, petitio continebat quod cum terra Ybernie ac eius incole, ut tenentur, nec sedi eidem, nec Regi Anglie obedirent, sed velut effrenes per campum licentie ducerentur, clare memorie Henricus olim Rex Anglorum de voluntate sedis ipsius armata manu terram predictam intravit, et eam ac habitatores ipsius ad ejusdem sedis obedientiam suaque (*sic*) pro posse reduxit, et tam idem Rex quam ejus successores in regno prefato probos viros nationis alterius studuerunt successu temporis in terra memorata Ybernie ad continuandam inibi sedis ejusdem obedientiam collocare.

The words of this preamble should be most carefully studied; for though, as I have said, it clearly refers to the action of Pope Adrian, in its statement that Henry invaded Ireland "at the wish of the Papal see," yet the words "velut effrenes per campum licentie ducerentur" must, surely, be derived from the "tanquam effrenis passim per abrupta deviat viciorum" of Alexander's letter to Henry entered in the 'Liber Niger.' If so, they are evidence, even though they stand alone, that the existence and contents of this letter were known in Ireland at the time.

There is another and far later reference to 'Laudabiliter' in a Papal document, which I have not seen mentioned, although the document is one of great consequence for Irish history. When Innocent X.

¹ Monumenta, p. 151.

THE POPE AND THE CONQUEST OF IRELAND

despatched Rinuccini as Papal Nuncio to Ireland (1645) he gave him formal instructions, in which was comprised a brief outline of past events. In it we find this definite and most striking passage:

For a long period the true faith maintained itself, till the country, invaded by the Danes, an idolatrous people, fell for the most part into impious superstition. This state of darkness lasted till the reigns of Adrian IV. and of Henry II., king of England. Henry, desiring to strengthen his empire, and to secure the provinces which he possessed beyond sea in France, wished to subdue the island of Ireland; and, to compass this design, had recourse to Adrian, who, himself an Englishman, with a liberal hand granted all he coveted.

The zeal manifested by Henry to convert all Ireland to the faith moved the soul of Adrian to invest him with the sovereignty of that island. Three important conditions were annexed to the gift. 1st. That the king should do all in his power to propagate the Christian religion throughout Ireland. 2nd. That each of his subjects should pay an annual tribute of one penny to the Holy See, commonly called Peter's pence. And 3rd. That civil liberty should be guaranteed, and the privileges and immunities of the Church be held inviolate.¹

This clear testimony to the Pope's belief, in 1645, that Adrian had, by 'Laudabiliter,' invested Henry II. with the sovereignty of Ireland can hardly be agreeable reading to Father Gasquet and his friends.

¹ Rinuccini's Embassy in Ireland (Hutton), pp. xxviii.-xxix. For the essential passage the Italian runs: "stimando molto a proposito il soggettare a se l'Isola d'Irlanda, ricorse ad Adriano, e da quel pontefice, che Inglese era, ottene con mano liberale quanto bramava. Le zelo che Arrigo dimostrò di voler convertire alla Fede tutta l'Irlanda, piegò l'animo di Adriano a concedergli il dominio di essa" (Aiazzi's Nunziatura, p. xxxvi.).

IX

The Coronation of Richard I

THE first coronation of an English king of which we possess a detailed account is that of Richard I. (3rd Sept., 1189). It was carried out, says Dr. Stubbs, "in such splendour and minute formality as to form a precedent for all subsequent ceremonies of the sort."¹ As a more recent writer has observed :

The order of the procession and the details of the ceremonial were arranged with unusual care and minuteness ; it was the most splendid and elaborate coronation-ceremony that had ever been seen in England, and it served as a precedent for all after-time.²

It is consequently of some interest to learn on what authority the narrative of this coronation rests.

The original authority is that of the writer formerly described as "Benedictus abbas," but now virtually known to have been Richard 'Fitz Nigel,'³ who was not only a contemporary writer, but, as the king's Treasurer, would probably have been an actual spectator of the ceremony he describes. His account is repeated by Hoveden,⁴ who was also a contemporary,

¹ Const. Hist., i. 496.

² Norgate's 'England under the Angevin Kings,' ii. 276.

³ Gesta [Ed. Stubbs], ii. 80-83.

⁴ Ed. Stubbs, iii. 9-12.

THE CORONATION OF RICHARD I

and possibly present, but "adds only matter of extremely small importance."¹ We then come to Matthew Paris, writing some two generations later, who gives, says Dr. Stubbs—

a similar account of the coronation, more closely resembling that of Benedict . . . in the few and unimportant places where the two differ. He indicates the common source of information, the Rolls (ed. Wats, p. 154) or *Consuetudines* (*Abbreviatio*, Ed. Madden, iii. 209) of the Exchequer.²

This view was accepted by Dr. Luard (1874), who says of the narrative given by Matthew in his *Chronica Majora* (ii. 348–350):

This account is taken from Benedict. The original source (the *Consuetudines Scaccarii*) is referred to in the *Hist. Angl.*, ii. p. 8, and the *Abbreviatio Chronicorum*, iii. 209. See Madden's note, iii. 209.³

We are thus referred to Sir Frederic Madden, who, as keeper of the MSS. at the British Museum, possessed special knowledge, and who wrote thus (1869):

The details of Richard's coronation do not appear either in the Red or Black Books of the Exchequer, but they are given by Benedict Abbas, pp. 557–560, and copied by Hoveden, from whom Wendover somewhat abridges them, and thence repeated in the greater Chronicle of Matt. Paris, ed. Wats, p. 153, and *Hist. Angl.*, ii. 6.⁴

This, it will be seen, hardly commits the writer to the view that some Exchequer record was, as alleged above, the original authority. But such, no doubt, might be the inference from this comment on the text. As important inferences have now been drawn from

¹ Hoveden, iii. xiv. (1870).

² *Ibid.* iii. 9 note.

³ *Chron. Maj.*, ii. 348 note.

⁴ *Hist. Angl.*, iii. 209 note.

AUTHORITY FOR THE CEREMONY

this error, as I venture to deem it, we must glance at the actual passage on which the theory is based.

Unconnected with the narrative of the coronation, which is complete without it, there is found, in the 'Historia Anglorum' (ii. 9) this marginal note :

Officia prelatorum et magnatum quæ ab antiquo jure et consuetudine in regum coronationibus sibi vindicant et facere debent, in rotulis Scaccarii poterunt reperiri.

This obviously refers, not to the narrative in the text, which is that of the coronation ceremony alone, but to the services performed "by ancient right and custom" in the king's house on that occasion. Of these there is no description in the text. In another work ascribed, but doubtfully, to Matthew Paris, the so-called "Abbreviatio," the coronation is mentioned, but not described; and there is added a similar note :

Et quia exigit plenitudo historiæ officia quorundam magnatum qui in coronationibus habent implere, de antiqua consuetudine, lectorem hujus libelli abbreviati ad historiam transmittito prolixiorum quæ in consuetudinibus Scaccarii poterit reperiri.¹

In both cases, it will be observed, an exchequer record is referred to solely for the customary offices or services rendered by certain magnates; and in both cases the present tense and the word "*coronationibus*" imply that the reference is general, and is not merely a description of what happened at Richard's coronation. Now my contention is that the record referred to is that of Queen Eleanor's coronation in 1236, which is preserved, at the present day, in the Red Book of the Exchequer, and which was known to

¹ Historia Anglorum, iii. 209.

THE CORONATION OF RICHARD I

Matthew Paris, who appends to his narrative of the services at that coronation the marginal note: "Hæc omnia in consuetudinario Scaccarii melius et plenius reperiuntur."¹ We actually find in that record the words: "de prædictis autem officiis nullus sibi jus vendicavit," etc.,² which at once remind us of the marginal note found in the 'Historia Anglorum.'

The solution, therefore, which I propound is that the narrative of the coronation, which is admittedly derived from the 'Gesta,' was written by its author from his own knowledge, and certainly not derived by him from an Exchequer record. In the first place, it is nowhere said that he did so; in the second, it is little less than absurd to assume that Richard would refer to a record in his own Exchequer for a ceremony which must have taken place while he was writing his chronicle, and at which he was probably present. The idea arose, as I have shown, from a simple misunderstanding, and has led those who adopt it to direct self-contradiction, for if Matthew derived, as admitted, his narrative from the 'Gesta,' he could not also have derived it, as Dr. Luard writes, from some Exchequer record.

As Richard had not described the coronation *services*, Matthew, for these, refers us to that precedent preserved at the Exchequer (Eleanor's coronation), which was, we shall find, the recognised precedent for coronation services so late as 1377.³

¹ Chronica Majora, iii. 338 marginal note.

² Liber Rubeus, p. 759.

³ See my paper, below, on "the Marshalship of England."

THE ALLEGED LOST RECORD

We may now pass to Mr. Hall's theory that the non-appearance in the Red Book of "the order of Richard I.'s Coronation, referred to (as he holds) by Matthew Paris, is a third instance of palpable omission"¹ of transcripts it formerly contained. His only reason for denying that the above marginal notes refer (as I hold) to Eleanor's coronation (1236) is that "Hoveden, Bromton, and other authorities give an abbreviated narrative" which implies the existence of such a record as is supposed to have been lost. But Hoveden, as we have seen, copies his narrative from the 'Gesta,' which he does not abbreviate, but expands—and does not describe the "services," which is what we want.

Mr. Hall's meaning, however, is, as usual, obscure; for, having cited the supposed narrative as at one time existing in our Red Book (p. xviii.), he next tells us: "It can scarcely be doubted that Matthew Paris' reference was to some Exchequer Precedent Book which no longer exists" (p. xix.), although, we read, it was certainly from our existing Red Book that he took his "description of the pageant of 1236" (pp. xix., xxxii.). He calls it the "custumal" (*consuetudinarium*) of the Exchequer. And yet on page xxix. we read of Matthew referring to the

'custumal' of the Exchequer wherein a certain document of the reign of Richard I. is said to have been entered, which no longer exists in the Red Book or in any other Exchequer MS.

So also we learn, on page lxii., that Swereford compiled a lost work "which was the custumal known to

¹ Red Book of the Exchequer, p. xviii. Compare my 'Studies on the Red Book of the Exchequer,' p. 49.

THE CORONATION OF RICHARD I

Matthew Paris, and the probable exemplar of the Red Book of the Exchequer." So Matthew's 'custumal' (*consuetudinarium*) was not the Red Book itself, but its now lost "exemplar." Yet on page xix. we are told that this, the only 'custumal' mentioned by Matthew, was, beyond doubt, the Red Book of the Exchequer.

It is here, with Mr. Hall, the same as elsewhere. His work is marred, throughout, by that confusion of thought which makes it almost impossible to learn what he really means.

In any case my own position is clear. I assert that the note by Matthew Paris refers, not to the narrative of the coronation, which he derived from the 'Gesta,' but to a description of the "services"; and I hold that he found this description, not in a lost Exchequer record, but in the Red Book's account of Queen Eleanor's coronation.

X

The Struggle of John and Longchamp (1191)

IT is needless to insist on the critical character of the year 1191 in England. From the moment when the watchers on the coast of Sicily had seen the passing of Richard, this country found itself, for the first time, cut off, for all purposes, from communication with its king. The sovereign had gone, and his seal with him; and ministerial government, a government by officials, was thrown on its own resources. If Henry and his grandfather had taught their subjects faithfully to obey the ministers of the Crown, with the king ever at their back, the case was altered when the king had left them for a distant land. And men's thoughts turned to John, not only as the visible representative, in his brother's absence, of his house, but as not improbably their future king, and that, it might be, before long. John, traitor at heart, saw the strength of his position, and Longchamp was far too clever to ignore the danger of his own.

To the tale of their inevitable strife for power, the acknowledged master of that age's history has devoted special care. In his edition of the '*Gesta Regis Ricardi*' (1867), and again in that of Hoveden (1870), he has given the conclusions at which he arrived concerning

the order of events in 1191. We have, in the former, the footnote to vol. ii., pp. 208-9, and in the latter, pp. lvi.-lxiv. of the preface to vol. iii., and the "long note" on pp. 134-5 of the text. The last of these is perhaps the one which sets forth most fully and clearly the final conclusions of the bishop. These conclusions, I may add at once, have been accepted without question by Mr. Howlett, in his 'William of Newburgh' (1884)¹ and his 'Richard of Devizes' (1886),² by Miss Norgate in her 'England under the Angevin Kings' (ii. 298-301) and her *Life of Longchamp*,³ and by Mr. Hunt in his *Life of John*.⁴

Summing up the narratives found in the 'Gesta,' Hoveden, Richard of Devizes, and William of Newburgh, Dr. Stubbs holds that their "divergency arises from the fact of the struggle falling into two campaigns, in which certain details are repeated. There were three conferences at Winchester, two attempts on the chancellor's part to seize the castle of Lincoln, and two settlements." He then gives "the harmonized dates, on this hypothesis, in detail."

As to the first of these dates, the conference at Winchester on Mid-Lent Sunday (March 24), recorded by Richard of Devizes, no question arises. And I am in a position to adduce documentary evidence in its confirmation; for Longchamp occurs as present at Winchester on March 28 in two separate documents.⁵ It is when we come to the "two cam-

¹ Rolls Series, ii. 339 note.

² Ibid. 'Chronicles of the Reigns of Stephen,' etc., iii. 408 note.

³ Dictionary of National Biography.

⁴ Ibid.

⁵ Register of St. Osmund, i. 262; and *Epistolæ Cantuarienses*, p. 327.

THE SEQUENCE OF EVENTS

paigns," one in the spring and the other in the summer, that the difficulties begin. I propose, therefore, to append a sketch of the sequence of events as recorded by William of Newburgh, the 'Gesta,' and Richard of Devizes. Hoveden practically repeats the Gesta narrative, and may therefore, for convenience, be omitted.

WILLIAM OF NEWBURGH.	RICHARD OF DEVIZES.	GESTA.
The archbishop of Rouen arrives (April 27). ¹	The archbishop of Rouen arrives (April 27).	
Longchamp refuses to recognise his authority. John plots against Longchamp.	Richard having left Sicily for the East (April 10), John, hearing this, begins to plot against Longchamp.	
Matters are brought to a crisis by Gerard de Camville being summoned by Longchamp to give up Lincoln castle to him, and by his refusing and joining John.	At length matters are brought to a crisis by Gerard de Camville doing homage to John for Lincoln castle, which is declared to be treason.	
Longchamp sends abroad for mercenaries, but hastens to besiege Lincoln castle.	Longchamp hastily collects troops, compels Roger Mortimer to surrender Wigmore, and then besieges Lincoln castle.	Longchamp collects forces <i>after Midsummer</i> , and besieges Lincoln castle, depriving Gerard of his shrievalty.
John surprises and seizes Nottingham and Tickhill.	John is enabled to seize Nottingham and Tickhill.	Nottingham and Tickhill are surrendered to John.
Thereupon he orders Longchamp to raise the siege of Lincoln.	He orders Longchamp to raise the siege of Lincoln.	He orders Longchamp to raise the siege of Lincoln.
Longchamp knowing	Longchamp is quite	Longchamp, ter-

¹ The date given by Dr. Stubbs.

STRUGGLE OF JOHN AND LONGCHAMP (1191)

that many of those with him were for John, withdraws "confusus."

A few days later he learns that his office of legate had expired by the Pope's death."

Friends mediate.

Longchamp makes peace as best he could.

Soon after, Longchamp hears that his mercenaries have landed, and repudiates the agreement. At length, however, they come to terms on a fresh footing.

taken aback, but recovering himself, sends the archbishop of Rouen to summon John to restore the castles he has taken.

The archbishop arranges with John a conference for July 28. Longchamp consents, and withdraws.

Description of agreement between John and Longchamp (wrongly dated April 25).

rified, withdraws with his army.

(Many bishops and other of the king's lieges mediate.)¹

Brief summary of agreement (which Hoveden recites in full).

It is the contention of Dr. Stubbs that William of Newburgh, in the first of these columns, describes the first, or spring "campaign," and that Richard and the 'Gesta' describe, in the other two, the second "campaign" later in the year. The difficulty I always felt, in accepting this conclusion, is the almost incredible coincidence of the sequence of events here described occurring twice over, in exactly the same order. But one would not be justified in questioning a view confidently enunciated by Dr. Stubbs, and accepted, it would seem, by every one else, on the ground merely of improbability, however extreme. Let us see, therefore, on what evidence the accepted view is based.

¹ This from Hoveden.

THE ACCEPTED THEORY WRONG

In the first place, we are told that the above sequence was repeated twice over. The authorities, however, are all agreed in mentioning one such sequence, and one only.¹ Why, then, are we to convert it into two, in the face of all probability? The only definite reason I can find for so doing is that, according to William of Newburgh—

Longchamp's proceedings against Lincoln took place early in the spring, before the death of pope Clement III. was known, *or the archbishop of Rouen landed* [April 27];—²

while the 'Gesta' distinctly state that Longchamp only set out against Lincoln "after Midsummer." If this were so, the discrepancy would be obvious. But leaving aside, for the moment, the question of the Pope's death, we find, on reference, that William of Newburgh, so far from placing the campaign, etc., *before* the archbishop's arrival, actually places it *after* that event.³ The one real discrepancy, therefore, is found to have no existence.⁴

¹ So great, indeed, is the difficulty of forcing them into accordance with Dr. Stubbs' view, that he himself makes them all four refer to a single surrender of Nottingham and Tickhill (Preface to Rog. Hov. III. lvii., lviii.; cf. p. lxiii.), and assigns the Mortimer incident to the earlier campaign, though it is described by Richard of Devizes, who *ex hypothesi* is narrating the later one.

² Gesta Regis Ricardi, ii. 208 note.

³ Ed. Howlett, p. 337.

⁴ It is a further illustration of the difficulty which even those who accept Dr. Stubbs' view find in adhering to it, that Miss Norgate pronounces it "chronologically impossible" that the archbishop of Rouen can have been sent to John by Longchamp, as stated by Richard of Devizes ('Angevin Kings,' ii. 299 note). She must have forgotten that Richard of Devizes *ex hypothesi* is describing "events in the summer or autumn" (Rog. Hov., iii. 134); and that she accepts April 27 as the date of the archbishop's arrival (ii. 298).

As to the date of Longchamp receiving the news of the Pope's death, it must first be observed that William of Newburgh does not assert categorically that it reached him shortly after the fall of Lincoln. What he says is that the chancellor "learned that his office of legate had expired through the death of the pope."¹ If this merely meant that he heard of the Pope's death, it would be irreconcilable with William's own statement that all this happened after, and some time after, the archbishop's arrival (April 27). Those, therefore, who would take the words in this sense, must admit that William has blundered, for he contradicts himself. This would be sufficient for my argument; but I think we may hold, in fairness to William, that what Longchamp heard, after withdrawing from Lincoln, was that Pope Coelestine had not renewed his legation, and, therefore, that it had expired with the death of the late Pope.² Great mystery surrounds, it is admitted, the date of the eventual renewal; and one point, it seems to me, may

¹ "Legationis suæ officium per mortem Romani pontificis exspirasse."

² This suggestion is strongly supported by the fact, which has been overlooked, that the bishop of Worcester was consecrated by Longchamp "adhuc legato" on May 5 (Ric. Devizes, p. 403); that the chancellor still styled himself legate on May 13 ('Ancient Charters,' p. 96); and that he even used this style on July 8 at Lincoln (*vide infra*). This implies, as I pointed out so far back as 1888 in my 'Ancient Charters' (Pipe Roll Society), that he continued to use the style after Clement's death and before he could have known whether Coelestine would renew it to him or not. Indeed, if we may trust the version of Giraldus, he was using it even so late as July 30 (iv. 389). It is notable that in a communication dated "Teste meipso apud Releiam xxv die Augusti," he no longer employs it.

LONGCHAMP AND THE LEGATION

have escaped notice. According to the envoys' report in Hoveden, Pope Cœlestine himself had been earnestly entreated by Richard to make Longchamp legate. But Cœlestine was not elected Pope till four days after Richard had left Sicily for the East. If, therefore, the renewal was granted at Richard's instance, there must have been considerable delay before the grant was obtained.

Moreover, those who uphold the view at present accepted have to explain a difficulty they hardly seem to have realized. The 'Gesta' assigns the Pope's death to April 10 (1191), but so uncertain is the date that we find Dr. Stubbs writing :

Clement III. died about the end of March, and the news of his death would reach England about three weeks later ('Gesta,' p. 208 note).	Pope Clement dies April 10 : the news would reach England in a fortnight or perhaps less. The chancellor, trembling for his legation, makes a hasty peace (Rog. Hov., iii. 135 note).
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If Clement died April 10—the date adopted by Mr. Howlett and Miss Norgate¹—the difficulty is that the news must have reached not merely England, but Lincoln (*ex hypothesi*) in time to allow of preliminary negotiations between John and Longchamp, of a conference at Winchester being agreed to, and of their both reaching Winchester in time for that conference on April 25. For this the news must have reached Lincoln hardly later than April 20. Could it possibly have done so ?

Those who have thus far followed my argument will have seen that I hold there to have been only one

¹ England under the Angevin Kings, ii. 299.

"campaign," followed by a conference at Winchester, which "campaign" did not begin till after midsummer. The spring campaign, with the alleged conference of April 25 at Winchester, I hold to be wholly imaginary.

In case any one should still be in doubt, I now bring up my reserves. The undisputed statement that Longchamp was at Winchester on March 24 was supported, we saw, by record evidence that he was there on March 28. Of more importance is the record evidence that he was at Lincoln on July 8,¹ for it strongly confirms the statement in the Gesta that he set out "after midsummer," and, having rapidly reduced Wigmore, laid siege to Lincoln Castle. Although I have been trying for years to collect evidence of Longchamp's movements in this eventful year, I have not been able to secure many fixed points. It is certain, however, that he was at Cambridge on April 21.² This affords welcome support to the crowning discovery I made, in a document preserved in France, that he was there on April 24.³ It will, I presume, not be disputed that if the chancellor was at Cambridge on April 24, he cannot have devoted the following day to a conference with John at Winchester.

I have purposely refrained as yet from discussing

¹ 9th Report Historical MSS., i. 35 b (where the document is dated "1190-1196").

² 35th Report of Deputy Keeper, p. 2.

³ This cannot be made public till my Calendar of Charters preserved in France is issued. In it this evidence will be found in Document 61 (p. 17).

THE TWO AGREEMENTS

a distinct question, namely, the terms of the agreement, or agreements, between Longchamp and John. For they do not affect the question of the sequence of historical events. We have (a) in Hoveden what purports to be an actual recital of the agreement made after the chancellor's enforced withdrawal from Lincoln; (b) in Richard of Devizes a *résumé* of such an agreement effected, according to him, at a conference on July 28, also, it would seem, consequent on the chancellor's retreat.¹ Dr. Stubbs has argued as against Palgrave, and apparently with complete success, that two distinct agreements are in question. But this does not establish their date (or respective dates), nor even their right sequence. I have already disposed of the alleged conference on April 25, and both agreements, therefore, must be later than the Lincoln business in July. Now, it is singular that William of Newburgh distinctly speaks of two agreements, and implies that the second was the less unfavourable to the chancellor's claims. This is, at first sight, in striking harmony with Dr. Stubbs' conclusion that the agreement recited by Hoveden is the later of the two, and that in it "the chancellor gave way somewhat more than was wise, but less than he had done in April"² (*i.e.* in the agreement described by Richard of Devizes). But a more minute examination than Dr. Stubbs could give reveals a serious difficulty. According to him, the earlier agreement "engages the chancellor to support John's claim to the crown

¹ The dating clause at its end is a blunder admitted on all sides.

² Preface to *Rog. Hov.*, III. p. lxiv. This is, according to me, the imaginary conference.

in case of Richard's death";¹ while the later one contains no such provision. On this distinction he lays stress because "the succession of Arthur," he holds, was a "main point" of Longchamp's policy;² while the archbishop of Rouen also, he urges, would have "sacrificed other considerations to . . . obtaining the omission of any terms which would have openly asserted John's claim to the succession."³

But on turning to the 'Gesta' and to William of Newburgh, we find that the former, in what is admittedly, and the latter in what he explicitly makes, the later of the two agreements, declare the recognition of John as heir, in case of Richard's death, to have been the feature of that later agreement, in which, according to Dr. Stubbs, it was conspicuously omitted.⁴ This grave discrepancy would seem to have escaped notice.

I do not profess to determine absolutely the sequence of the two agreements, but I think it not impossible that the one recited by Hoveden may prove, after all, to have been the earlier of the two. They have hardly, perhaps, been examined with sufficient care. Dr. Stubbs, for instance, writes that in the agreement described by Richard "each party chooses eleven commissioners," while in Hoveden, "each chooses seven."⁵ But the latter were merely sureties for the oaths of the parties to observe the agreement,⁶

¹ Rog. Hov., iii. 135 note. So also 'Gesta,' ii. p. 208: "in which John was recognised as the heir of England."

² Pref. to Rog. Hov., III. lix.

³ Ibid. p. lxiv.

⁴ Gesta, ii. 207-8; Will. Newb., ii. 339.

⁵ Roger Hov., iii. 135 note.

⁶ Compare my 'Geoffrey de Mandeville,' pp. 176, 183, with Hoveden's text.

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not arbitrators for arranging its terms; while, in the other agreement, the eleven were actual arbitrators, chosen (as for the Provisions of Oxford) for drawing up the agreement independently of the parties. Again, closer investigation shows that the agreement described by Richard of Devizes is, in some ways, more, not less, favourable to the chancellor than the other. Hoveden, for instance, makes John surrender Tickhill and Nottingham, not to the chancellor, but to the archbishop as representing the king. Richard, on the other hand, makes the chancellor not only receive the castles, but personally take hostages from their keepers for their safe custody. In Hoveden, indeed, the possession of these two castles is made, on the contrary, a kind of security for the chancellor's good behaviour. Richard, to speak more generally, brings the chancellor to the front, and leaves the archbishop in the background, which is precisely what might be expected when Longchamp felt himself strong enough to pose once more as the king's representative.

Moreover, we have a hint as to the order of these agreements in their provisions as to Gerard de Camville. In Hoveden's document we read that he is to be provisionally restored, then to have a fair trial, and, if convicted, is to lose his castle and his shrievalty.¹ Richard, on the contrary, describes him as restored to the chancellor's favour, and, therefore, to the perma-

¹ "Resaisina vicecomitatus Lincolnie fiet Girardo de Camvilla : et eadem die dies ei conveniens *præfigetur* standi in curia domini regis ad iudicium. Quod si contra eum monstrari poterit quod iudicio curiæ domini regis vicecomitatum vel castellum Lincolnie perdere debuerit, perdat; sin minus retineat; nisi interim alio modo pax inde fieri poterit."

ment custody of the castle.¹ The latter, surely, is a later stage.

On all these grounds I lean strongly to the view that Richard of Devizes describes the later and final compromise, which, unlike its predecessor, was arranged by formal arbitration. On this hypothesis the archbishop of Rouen had refused to give way about the succession,² while the chancellor purchased concessions from John by throwing over Arthur. But as I do not claim to have demonstrated this, I hope my view will be discussed by some duly qualified critic.

On the other hand, the earlier part of this paper does, I hope, demonstrate that the accepted view of the order of events in the year 1191 must be altogether abandoned. This, of course, involves the correction of no fewer than four works in the Master of the Rolls' series, and of every modern history of England which deals with the period in any detail. Yet the chief interest of the enquiry will be found in its bearing on historical probability and in its demonstration of the value of minute critical study.³

¹ "Girardo de Camvilla in gratiam cancellarii recepto, remansit illi in bono et pace custodia castri de Lincolnia."

² Compare Rog. Hov., III. lxiv., *ut supra*, and the 'Histoire de Guillaume le Maréchal,' ll. 11,888-11,882 :

"Je entent e vei
Que par dreit, si'n sui aseïir,
Le [rei] devom nos faire de Artur."

³ Compare my article on "Historical Research" in 'Nineteenth Century,' December, 1898.

XI

The Commune of London

WHEN in 1893, the seventh centenary of the year in which a Mayor of London first appears, I read before the Royal Archæological Institute a paper on "The origin of the Mayoralty of London,"¹ I expressed the hope that some document might yet be discovered which would throw further light upon the Mayor and on his connection with the "Commune" of 1191. Such a document I have since found. Its confirmation of the fact that a "Commune" was actually established in London is as welcome as it is important; but the essential fact which it enables us to determine is that this foreign organization was transplanted bodily to London. It has hitherto been supposed that the only change involved by the erection of the "Commune" was the appearance of its typical officer, the "Mayor," as an addition to the pre-existent sheriffs and the aldermen of the city wards. It can, however, now be shown that the aldermen of the wards had no part in the "communal" organization, which was modelled exclusively on foreign lines, and was wholly unconnected with the old and English system.

¹ Archæological Journal, L. 247-263.

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The historian's time can be profitably spent on minute and thorough examination of London institutions in the 12th century. For the origin and development in England of municipal liberties is still, in spite of their paramount interest, involved in much obscurity. As Dr. Stubbs has truly observed :

London claims the first place in any such investigation, as the greatest municipality, as the model on which by their charters of liberties the other large towns of the country were allowed or charged to adjust their usages, and as the most active, the most political, and the most ambitious. London has also a pre-eminence in municipal history, owing to the strength of the conflicting elements which so much affected her constitutional progress.¹

And yet, as he reminded his hearers in one of his Oxford lectures, " Mediæval London still waits for its constitutional historian."

Occupying as it did, among English towns, a position apart, in wealth as in importance, London had a municipal development of her own, a development of which our best historians can only tell us that it is "obscure." That obscurity, however, has been sadly increased by the careless study and the misapprehension of her great charters of liberties. Broadly speaking, and disregarding for the moment the statements of our accepted authorities, the great want of London, in her early days, was an efficient, homogeneous government of her own. The City—for the City was then London—found itself in fact, during the Norman period, in the same plight as greater London found itself in our own days. " The ordinary system of the parish and the township," as an accom-

¹ Const. Hist., iii. 568.

plished writer has observed, "the special franchises and jurisdictions of the great individual landowners, of the churches, of the gilds—all these were loosely bundled together." For the cause of this state of things we should have to go back to the origins of our history, to show that the genius of the Anglo-Saxon system was ill-adapted, or rather, wholly unsuitable, to urban life; that, while of unconquerable persistence and strength in small, manageable rural communities, it was bound to, and did, break down when applied to large and growing towns, whose life lay not in agriculture, but in trade. In a parish, a "Hundred," the Englishman was at home; but in a town, and still more in such a town as London, he found himself, for administrative purposes, at his wits' end.

Putting aside the "English Knightengild,"—the position of which as a governing body has been far too rashly assumed,¹ and rests upon no foundation,—the only institutions of which we can be sure are the "folkesmote" and the weekly "husteng" of Henry I.'s charter, and the Shrievalty. The "folkesmote" was the immemorial open-air gathering, corresponding

¹ Mr. Loftie writes, in his 'London,' that "in the reign of Henry I. we find the guild in full possession of the governing rights which are elsewhere attributed to a guild merchant" (p. 30). See also p. 103 above.

In the same series, Dean Kitchin applies this assumption to Winchester, and observes of the "Knights," who possessed a 'hall' there under Henry I., that "if we may argue from the parallel of the London Knights' Guild, the body had the charge of the city, and was in fact the original civic corporation of Winchester," ('Historic Towns: Winchester,' p. 74).

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with the "shire-moot" or "hundred-moot" of the country, the "borough-moot" or "portman-moot" of the town. The small "husteng," as is obvious from its name, was a Danish development, akin to the "lawmen" of the Danish boroughs. If these represented, in London, a kind of legal unity, the shrievalty, on the other hand, involved a kind of financial unity. If, however, as I have urged in my study on the early shrievalty,¹ the administrative development of London had proceeded upon these lines, it would no more have brought about a true municipal unity than the sheriff and the county court could evolve it in the shire; a "Corporation" was wholly alien to administration on county principles.

But in the meanwhile, the great movement in favour of municipal liberties, which was so prominent a feature of the stirring 12th century, was spreading like wildfire through France and Flanders, and London, which, since the coming of the Normans, had become far more cosmopolitan, was steadily imbibing from foreign traders the spirit and enthusiasm of the age. But this by no means suited the views, at the time, of the Crown, which, here as in Germany, looked askance on this alarming and, too often, revolutionary movement. When the history of London at this period comes to be properly studied, it will be found that the growing power of the Londoners, who had practically seated Stephen on the throne, and had cheieved the Empress Matilda from their midst, ~~were~~ *was* sharply checked by her son Henry, whose policy, in this respect at least, was faithfully followed by his

¹ See 'Geoffrey de Mandeville.'

successor, Richard the First. The assumption, therefore, that the Mayoralty of London dates from Richard's accession (1189) is an absolute perversion of history. There is record evidence which completely confirms the memorable words of Richard of Devizes, who declares that on no terms whatever would king Richard or his father have ever assented to the establishment of the "Commune" in London.¹

Writing mainly for experts, I need scarcely explain that the "sworn Commune," to give it its right name—for the oath sworn by its members was its essential feature—was the association or 'conspiracy,' as we choose to regard it, formed by the inhabitants of a town that desired to obtain its independence. And the head of this Association or "Commune" was given, abroad, the title of "Maire." It was at about the same time that the "Commune" and its "Maire" were triumphantly reaching Dijon in one direction and Bordeaux in another, that they took a northern flight and descended upon London. Not for the first time in her history the Crown's difficulty was London's opportunity. Even so early as 1141, when the fortunes of the Crown hung in the balance between rival claimants, we find the citizens forming an effective "conjunctio,"² the very term applied to their "Commune," half a century later, by Richard of Devizes.³

¹ "Nunc primum in sibi indulta conjuratione regno regem deesse cognovit Londonia, quam nec rex ipse Ricardus, nec prædecessor et pater ejus Henricus pro mille millibus marcarum argenti fieri permisisset" (Richard of Devizes, p. 416).

² "Facta conjuratione adversus eam quam cum honore susceperunt cum dedecore apprehendere statuerunt" (See 'Geoffrey de Mandeville,' p. 115).

³ See note above.

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Moreover, earlier in the same year (April), William of Malmesbury applies to their government the term "communio," in which the keen eye of the bishop of Oxford detected "a description of municipal unity which suggests that the communal idea was already in existence as a basis of civic organization."¹ But he failed, it would seem, to observe the passage which follows and which speaks of "omnes barones, qui in eorum communionem jamdudum recepti fuerant." For in this allusion we discover a distinctive practice of the "sworn commune," from that of Le Mans (1073),² to that of London, now to be dealt with.

When, in the crisis of October, 1191, the administration found itself paralysed by the conflict between John, as the king's brother, and Longchamp, as the king's representative, London, finding that she held the scales, promptly named the "Commune" as the price of her support. The chroniclers of the day enable us to picture to ourselves the scene, as the excited citizens who had poured forth overnight, with lanterns and torches, to welcome John to the capital, streamed together on the morning of the eventful 8th October, at the well-known sound of the great bell, swinging out from its campanile in St. Paul's churchyard. There they heard John take the oath to the "Commune," like a French king or lord; and then London for the first time had a municipality of her own.

¹ Const. Hist., i. 407.

² "Facta conspiratione quam communionem vocabant sese omnes pariter sacramentis adstringunt et . . . ejusdem regionis procures, quamvis invitos, sacramentis suæ conspirationis obligari compellunt."

This much at least we may deem certain; but what the chroniclers tell us has proved to be only enough to whet the appetite for more. Of the character of the "Commune" so granted, of its ultimate fate, and of the part it played in the municipal development of London, nothing has been really known. The only fact of importance ascertained from other sources has been the appearance of a Mayor of London at or about the same time as the grant of a "Commune." It cannot, indeed, be proved that, as has sometimes been supposed, the two phenomena were synchronistic; for no mention of the Mayor of London, after long research, is known to me earlier than the spring of the year 1193.¹ But there is, of course, the strongest presumption that the grant of a "Commune" involved a Mayor, and already in 1194 we find a citizen accused of boasting that "come what may, the Londoners shall have no king but their Mayor." It was precisely in the same spirit that the 'Comuneros' of Salamanca exclaimed of their leader in 1521: "Juras à Dios no haber mas Rey ni Papa que Valloria."

Before I explain my discoveries on the "Commune" granted to London, it may be desirable to show how great a discrepancy of opinion has hitherto prevailed on this important but admittedly obscure subject.

The first historian, so far as I know, to treat the subject in the modern spirit was the present bishop of Oxford; and it is a striking testimony to his almost infallible judgment that what he wrote on the subject a quarter of a century ago is the explanation that, to

¹ See my paper in 'Academy' of 12th November, 1887.

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this day, has held the field. In his 'Select Charters' (1870), he expressed the view that

the establishment of the 'Communa' of the citizens of London, which is recorded by the historians to have been specially confirmed by the Barons and Justiciar on the occasion of Longchamp's deposition from the Justiciarship is a matter of some difficulty, as the word 'Communa' is not found in English town charters, and no formal record of the act of confirmation is now preserved. Interpreted, however, by foreign usage, and by the later meaning of the word 'communitas,' it must be understood to signify a corporate identity of the municipality, which it may have claimed before, and which may even have been occasionally recognised, but was now firmly established; a sort of consolidation into a single organized body of the variety of franchises, guilds, and other departments of local jurisdiction. It was probably connected with and perhaps implied by the nomination of a *Mayor*, who now appears for the first time. It cannot, however, be defined with certainty (p. 257).

And in his 'Constitutional History' he holds that it practically "gave completeness to a municipal constitution which had long been struggling for recognition." These comments, on the whole, suggest rather a development of existing conditions than the introduction of a foreign institution.

Mr. Coote, the next to approach the subject, contended that Dr. Stubbs' "view falls very far short of the reality." In his able paper "A Lost Charter,"¹ he insisted that a charter was actually granted in 1191 to the Londoners empowering them to elect a Mayor, and that this is what the chroniclers meant when they spoke of the grant of "Commune," for the citizens, he urged, had possessed all the rights of a "Commune" from the days of the Conqueror. With Mr. Loftie's work came the inevitable reaction. Wholly ignoring the definite and contemporary statement as

¹ Transactions of the London and Middlesex Arch. Soc., v. 286.

to the grant of a "Commune," he deemed it "far safer to adopt the received and old-fashioned opinion," and to date the Mayoralty from 1189, while, as for the "Commune," he deemed it to have been of gradual growth, and to have been practically recognised by the charter of Henry I.

Now, whatever the grant of "Commune" implied, it certainly implied something, and something of importance. "Upon this point there is," as Mr. Coote justly observed, "a cloud of contemporary evidence, clear, exact and positive." He put together the versions of the chroniclers,¹ contemporary and well-informed, and their harmony is complete. The fact, moreover, that the Commune was extorted at a great crisis, proved that only when the government was weak could so great a concession be wrung from it. Lastly, the phrase of Richard of Devizes: "*Concessa est ipsa die et instituta Communia Londinensium*," and that of Giraldus: "*Communa seu Communia eis concessa*," correspond exactly with the formal phrases in the French charters of "Commune." In the case of Senlis (1173) it was "*Communiam fieri concessimus*"; in that of Compiègne (1153): "*Burgensibus villæ concessimus Communiam*"; in that of Abbeville (1185) "*concessi eis Communiam habendam*"; in that which Queen Eleanor granted to Poitiers (1199): "*Sciatis nos concessisse . . . universis hominibus de Pictavi et eorum heredibus communiam juratam apud Pictavim*." But if any doubt were yet possible, it would be finally removed by the words of Richard of Devizes:

¹ Ibid. p. 286-7.

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Nunc primum, indulta sibi conjuratione, regno regem deesse cognovit Londonia, quam nec rex ipse Ricardus nec prædecessor et pater ejus Henricus pro mille millibus marcis argenti fieri permisisset.

There is no escaping from these words, and Mr. Loftie's theory is, consequently, out of court.¹

But what of Mr. Coote's? With great confidence he wrote that the "Commune," in the case of London, which had acquired all other things, expressed for its citizens the mayoralty only; "nothing else was asked or desired by them, for it was the sole privilege which was wanting to their burghal independence" (p. 287). We find, however, that on the Continent the word 'Commune' did not of necessity imply a Mayor, for Beauvais and Compiègne, though constituted 'Communes,' appear to have had no Mayor during most of the 12th century. The chroniclers, therefore, had they only meant to speak of the privilege of electing a Mayor, would not have all employed a word which did not connote it, but would have said what they meant. Moreover, his theory rests on the assumption, common till now to all historians, that the citizens had continuously possessed, from the beginning of the 12th century, the privileges granted in the charter of Henry I. But I have shown, in my 'Geoffrey de Mandeville,' that these privileges were not renewed by Henry II. or Richard I., and that this fact strikingly confirms the explicit words of Richard of Devizes, when he states that neither the one nor the other would have

¹ Mr. Loftie's argument (London, p. 53) that Glanville's words prove that London, if not other towns as well, had already a 'Commune' under Henry II. is disposed of by Dr. Gross ('The Gild Merchant,' i. 102).

allowed the Londoners to form a 'Commune' even for a million of marcs.

In 'Geoffrey de Mandeville' (pp. 357-9) I insisted on the necessity of keeping steadily in view the annual *firma* of London and Middlesex, and showed that it was due in respect of the two jointly, and not, as has been alleged of Middlesex, apart from London. The further publication of the Pipe Rolls has enabled me to develop this position. While the citizens, as I showed, strenuously claimed to hold the city and county at ferm for £300, as in the charter of Henry I., the Crown no less persistently strove to exact a *firma* of more than £500. The exact amount of the high *firma* is first recorded at the change of shrievalty in 1169. The four outgoing sheriffs at Easter of that year account for £250 "blank" and £11 "numero," as the half-year's *firma*. This represents a total for the year of £500 "blank" and £22 "numero," which is also precisely the sum accounted for in 1173-4.¹ The whole sum would thus amount to £547 "numero," by the Exchequer system. But at Midsummer, 1174, there was a great and a sudden change. Brichtmer de Haverhelle and Peter Fitz Walter came into office not as sheriffs, but "ut custodes," in the Exchequer phrase,² and at Michaelmas they accounted not "de firma," but "de exitu firme."³

¹ £125 and £5 10s. respectively for a quarter in 19 Hen. II. p. 183, and £375 and £16 10s. respectively for three-quarters in 20 Hen. II. (p. 7).

² 'Geoffrey de Mandeville,' p. 297.

³ 20 Hen. II., p. 9. The official list (Deputy Keeper's 31st Report) omits to mention that they answered "ut custodes" for this quarter.

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The sheriff farmed his county and answered for a fixed *firma*, as a tenant is responsible for his rent; the 'custos,' acting for the Crown, like a bailiff for a landowner, was responsible only for the actual proceeds (*exitus*). This distinction meets us even on the earliest Pipe Roll (1130).¹ It is obvious that, on the *firma* system, the sheriff might make a profit or a loss, according as the sources of the farm provided more or less than the rent for which he had to account. But the point on which I am anxious to insist is that the sources of his farm were by no means so elastic as is alleged.² As Professor Maitland observes :

The king's rights are pecuniary rights; he is entitled to collect numerous small sums. Instead of these he may be willing to take a fixed sum every year, or, in other words, to let his rights to farm.

He further describes these rights, in the case of a borough, as "the profits of the market and of the borough court," together with "the king's burgate rents." Each of these sources, again, could be sub-farmed.³ This being so, I cannot agree with Dr. Stubbs in holding that

the sheriff was answerable to the Crown for a certain sum, and . . . nothing was easier than to exact the whole of the legal sum from the rich burghers, and take for himself the profits of the shire; or to demand such sums as he pleased of either, without rendering any account.⁴

¹ 'Geoffrey de Mandeville,' pp. 297-8.

² On the *firma burgi* see Stubbs, 'Const. Hist.' (1874), p. 410; and Maitland, 'Domesday Book and Beyond,' pp. 204-5.

³ Compare the 'Dialogus': "De summa vero summarum quæ ex omnibus fundis surgebat in uno comitatu constituerunt vicecomitem illius comitatus ad scaccarium teneri" (i. 4).

⁴ Op. cit. *ut supra*.

THE SHERIFFS AND THE FERM

For the sources of the ferm were well defined : they were limited to certain "rights." The burgage rents were fixed ; so, we believe, were the tolls ; and the fines arising from the courts cannot have varied much. Outside these sources the sheriff had no right to "exact" anything from the burghers.

Here we have the explanation of an otherwise singular phenomenon. The Crown, which was receiving, as has been shown, £547 "numero" a year from the sheriffs of London and Middlesex, obtained less than half that amount when its own *custodes* were in charge ! The proceeds for the first whole year were £238 5s. 7d. "numero," and out of this, moreover, it had to pay Peter Fitz Walter £20 for his services, and the clerks and serjeants (*servientes*) employed under him £8 10s. ; thus the net receipts were only some £200 "de exitu firme de Londonia et de Middilsexa."¹ I infer from this that the *ferm* extorted for London and Middlesex had been shamefully high,² and that this was the cause of the sheriffs being often laden with debt when they went out of office,³ as they had to make good, out of their own pockets, the difference between the proceeds of the dues and the ferm exacted by the Crown. It is possible that this was indeed the reason of four sheriffs, as in 1130, being so often appointed ; the loss would thus be spread over a wider area, and the chance of recovering the debt greater. The system,

¹ 21 Henry II., pp. 15-17. For the last quarter of the 20th year they were £59 8s. 2d.

² From the county the proceeds must always have been small owing to the absence of royal manors.

³ Pipe Rolls, *passim*.

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on this hypothesis, was strangely analogous to that by which, at the present day, appointment as sheriff of a county is equivalent to exaction of a fine by the Crown. Combining, as I have elsewhere suggested, the fact that in 1130 each of the four sheriffs gave £12 to the Crown to be quit of his office with the clause in the earliest charter to Rouen that no citizen should be compelled to serve as sheriff against his will, we may certainly conclude that such sheriffs were the victims of Crown extortion. But obscurity must still surround the manner of their appointment.

There remains the salient fact that the Crown undoubtedly suffered a heavy annual loss by the substitution of *custodes* for sheriffs in 1174. As this is a fact new to historians, one is tempted to seek an explanation. The Crown's loss being the city's gain, it is at least worth consideration that the change virtually synchronized with the king's arrival in London at the crisis of the feudal revolt. He was welcomed, Fantosme tells us, by the citizens, and reminded

Ke nul peiist le Lundreis traîtres apeler.
Ne fereient traïsun pur les membres colper.

In the previous year he had been assured that they were

La plus leale gent de tut vostre regné.
Ni ad nul en la vile ki seit de tel eë
Ki puisse porter armes, ne seit très bien armé.

This testimony is in harmony with the fact they gave the Crown that year (1173) a *novum donum* of 1,000 marcs, supplemented by 100 marcs apiece from three leading citizens. It is, therefore, perfectly possible

that, as Rouen obtained from Henry II. a charter increasing its privileges, as a reward for its attitude in the rebellion, London may have been similarly rewarded by what was in practice financial relief.

But the change did not last. After two years of the *custodes*, they went out of office at Midsummer, 1176, their returns, "de exitu ejusdem civitatis," even lower than before.¹ Their place was taken by William Fitz Isabel, whose account for the three months' *firma* at Michaelmas shows that it, at once, leapt up to the huge sum formerly exacted.²

Having traced in 'Geoffrey de Mandeville' the fortunes of the long struggle between the citizens and the Crown over the amount of their *firma*—fixed at £300 by Henry the First's charter, but raised by Henry II. to over £500—I was led to test the chroniclers' statements as to 1191 by turning to the Pipe Rolls to see if the citizens' triumph enabled them to secure that reduction on which they insisted throughout. In the Roll of 1 Richard I. we find the *firma*, as under Henry II., to be between £520 and £530,³ but in the Roll of two years later (1191) we suddenly meet with this bold entry: "Cives Londoniæ—Willelmus de Haverhull

¹ They had paid out £156 7s. 4d. in the three quarters, and owed £9 9s. 9d., making a total of £165 17s. 1d., or at the rate of about £221 a year, as against some £238.

² His outgoings were £151 4s. 6d., and he was credited with a "superplus" of £13 8s. 10d. 'blank.' This works out at rather over £548 "numero" for the year, the old figure being £547 "numero" (these figures are taken from the unpublished Pipe Roll of 1176). It would be rash to connect the change with the severe Assise of Northampton without further evidence.

³ An entry on the Roll of 15 Hen. II. records it as £500 "blanch," plus a varying sum of about £20 "numero."

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et Johannes Bucuinte pro eis—reddunt compotum de ccc libris blancis pro hoc anno.” This sudden return to the old figure was effected at the very time of the change which the chroniclers describe. The fact is as striking as it is welcome where all is so obscure. In the following year (4 Ric. I.) we find the *firma* again amounting to about £300; but the difficulty of ascertaining its sum where this is not given is, unfortunately, so great that until the Pipe Rolls of the reign are in print we cannot speak positively as to the endurance of this amount. In the Pipe Roll, however, of the ninth year (1197) we find the account headed (as in 1191): “Cives Lund[oniæ]—Nicholas Duket et Robertus Blund pro eis—reddunt compotum de ccc libris blancis de firma Lond[onie] et Middelsex,” and in that of the tenth year the sum is similarly stated to be £300 “blanch.” It is clear, therefore, that at the close of Richard’s reign the citizens had made good their claim to farm the city and county for £300 a year, as they had recommenced to do in 1191. The explanation of their gaining from Richard the confirmation of that success is probably to be found in their payment of £1,000, thus recorded on the roll of 1195 (7 Ric. I.):

Cives Lond[onie] M et D marcas de dono suo pro benevolentia domini Regis, *et pro libertatibus suis conservandis*, et de auxilio suo ad redemptionem domini Regis.

In that case the king would have dealt with the *firma*, as he is known to have dealt with the sheriffwicks of Yorkshire, Lincolnshire, etc., and simply sold it to the citizens for a lump sum down. In this year (7 Ric. I.), accordingly, it is again the

THE OATH OF THE COMMUNE

"Cives Lond[onie]," who, through their two representatives, account for the ferm.

It follows from this that when the citizens paid John £2,000 "pro habendo confirmationem Regis de libertatibus suis," they did not obtain, as I had gathered from his charter, for the first time a reduction of the *firma* to £300, but a confirmation of the reduction they had won at the crisis of 1191.

This, then, up to now has been the sum total of our knowledge: a *commune* was granted to London in October, 1191; the ferm of the city was, simultaneously, reduced from over £500 to the old £300, as granted by Henry I.; and the Mayor of London first meets us in the spring of 1193. Of the nature of the *commune* we know nothing; of its very existence after the autumn of 1191, we are in equal ignorance.

It is at this point that the document which follows comes to our help with a flood of light, proving, as it does, that London, in 1193, possessed a fully developed *commune* of the continental pattern.

"Sacramentum commune tempore regis Ricardi quando detentus erat Alemaniam (sic).¹

Quod fidem portabunt domino regi Ricardo de vita sua et de membris et de terreno honore suo contra omnes homines et feminas qui vivere possunt aut mori et quod pacem suam servabunt et adjuvabunt servare, et quod communam tenebunt et obedientes erunt maiori civitatis Lond[onie] et skivin[is]² ejusdem

¹ Add. MS. 14,252, fo. 112 d.

² MS.: 'skiuin.' The 'Liber Albus' (pp. 423-4) uses "eskevyn" for the *échevins* of Amiens.

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commune in fide regis et quod sequentur et tenebunt considerationem maioris et skivinatorum et aliorum proborum hominum qui cum illis erunt salvo honore dei et sancte ecclesie et fide domini regis Ricardi et salvis per omnia libertatibus civitatis Lond[onie]. Et quod pro mercede nec pro parentela nec pro aliqua re omittent quin jus in omnibus rebus [pro]sequentur et teneant pro posse suo et scientia et quod ipsi communiter in fide domini regis Ricardi sustinebunt bonum et malum et ad vitam et ad mortem. Et si quis presumeret pacem domini regis et regni perturbare ipsi consilio domine¹ et domini Rothomagensis² et aliorum justiciarum domini regis juvabunt fideles domini regis et illos qui pacem servare volunt pro posse suo et pro scientia sua salvis semper in omnibus libertatibus Lond[onie].”

Before discussing this document one may well compare it with the Freeman's oath at the present day, as taken by the latest honorary freeman, Lord Kitchener of Khartoum (4th November, 1898):

I solemnly declare that I will be good and true to our Sovereign lady Queen Victoria, that I will be obedient to the Mayor of this City, that I will maintain the franchises and customs thereof, and will keep this City harmless in that which in me is; that I will also keep the Queen's peace in my own person, that I will know no gatherings nor conspiracies made against the Queen's peace, but I will warn the Mayor thereof or hinder it to my power; and that all these points and articles I will well and truly keep according to the laws and customs of this City to my power.”

The obligations of allegiance to the Sovereign, of obedience to the Mayor, and of keeping the King's

¹ *i.e.* Queen Eleanor.

² Walter archbishop of Rouen.

peace against all attempts to disturb it, remain, it will be seen, in force.

On the importance, in many aspects, of this unique document it is hardly necessary to dwell. Its *formulae* deserve to be carefully compared with the oaths of allegiance and of the peace; but here one must restrict attention to its bearing on the *commune* of London. For the first time we learn that the government of the city was then in the hands of a Mayor and *échevins* (*skivini*). Of these latter officers no one, hitherto, had even suspected the existence. Dr. Gross, indeed, the chief specialist on English municipal institutions, appears to consider these officers a purely continental institution.¹ But in this document the Mayor and *échevins* do not exhaust the governing body. Of Aldermen, indeed, we hear nothing; but we read of "alii probi homines" as associated with the Mayor and *échevins*. For these we may turn to another document, fortunately preserved in this volume, which shows us a body of "twenty-four" connected with the government of London some twelve years later (1205-6).

*"Sacramentum xxiiij^{or} factum anno regni regis
Johannis vij^o."*

Quod legaliter intendent ad consulendum secundum suam consuetudinem juri domini regis quod ad illos spectat in civitate Lond[onie] salva libertate civitatis

¹ "For their administration and judicial functions in continental towns, see Giry, 'St. Quentin,' 28-67; von Maurer, 'Stadtverf.,' i. 241, 568" ('Gild Merchant,' i. 26 note).

et quod de nullo homine qui in placito sit ad civitatem spectante aliquod premium ad suam conscientiam recipere. Et si aliquis illorum donum aut promissum dum in placitum fatiat illud nunquam recipient, neque aliquis per ipsos vel pro ipsis. Et quod illi nullum modum premii accipiant, nec aliquis per ipsos vel pro ipsis, pro injuria allevanda vel pro jure sternendo. Et concessum est inter ipsos quod si aliquis inde attinctus vel convictus fuerit, libertatem civitatis et eorum societatem amittet.”¹

Of a body of twenty-*four* councillors, nothing has hitherto been known. To a body of twenty-*five* there is this one reference :

Hoc anno fuerunt xxv electi de discretioribus civitatis, et jurati pro consulendo civitatem una cum Maiore.²

The year is Mich. 1200—Mich. 1201 ; but the authority is not first-rate. Standing alone as it does, the passage has been much discussed. The latest exposition is that of Dr. Sharpe, Records Clerk to the City Corporation :

Soon after John's accession we find what appears to be the first mention of a court of aldermen as a deliberative body. In the year 1200, writes Thedmar (himself an alderman), “were chosen five and twenty of the more discreet men of the city and sworn to take counsel on behalf of the city, together with the mayor.” Just as, in the constitution of the realm, the House of Lords can claim a greater antiquity than the House of Commons, so in the City—described by Lord Coke as *epitome totius regni*—the establishment of a court of aldermen preceded that of a common council.³

¹ Add. MS. 14,252, fo. 110.

² Liber de Antiquis Legibus (Camden Soc.), p. 2.

³ London and the Kingdom (1894), i. 72.

THE TWENTY-FOUR COUNCILLORS

Mr. Loftie, however, had pointed out several years before that this view was erroneous :

It has sometimes been assumed that this was the beginning of the court of aldermen. As we have seen, however, the aldermen were in existence long before, and the question is how far they were, under ordinary circumstances, the councillors and assistants of the mayor.¹

To any one, indeed, who realizes what the Aldermen were it should be obvious that the passage in question could not possibly apply to them. In his larger work, Mr. Loftie held that these councillors eventually became "identified with the aldermen," but he brought out the very important point that their number could not be that of the wards.

The twenty-five councillors who advised the Mayor in the reign of King John had gradually become identified with the aldermen ; and this title, which at first was applied to the heads of trade guilds and other functionaries, was henceforth confined to the rulers of the wards.

[NOTE]. It has been suggested that the twenty-five councillors came from the twenty-five wards, but a chronological arrangement of the facts disposes of this idea. There were not twenty-five wards then in existence—moreover, it would be necessary to account for twenty-six, if the mayor is reckoned.²

As, then, they were not representatives of the wards their character is left obscure. But when we turn to the foreign evidence, the nature of the twenty-four becomes manifest at once ; and we find in it conclusive proof that the Commune of London derived its origin from that of Rouen. M. Girys's able treatise on the "*Établissements de Rouen*" shows us the "*Vingt Quatre*" forming the administrative body, annually elected, which acted as the Mayor's Council.

¹ London (1887), p. 45.

² History of London, i. 190.

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And the oath they had to take on their election, as described in the 'Établissements,' bears, it will be seen, a marked resemblance to that of the "xxiiij^{or}" in London.

(II). De centum vero paribus eligentur viginti quatuor, assensu centum parium, qui singulis annis removebuntur; quorum duodecim eschevini vocabuntur, et alii duodecim consultores. Isti viginti quatuor, in principio sui anni, jurabunt se servaturos jura sancte ecclesie et fidelitatem domini regis atque justiciam quod et ipse recte judicabunt secundum suam conscienciam, etc.

LIV. Iterum, major et eschevini et pares, in principio sui eschevinatus, jurabunt eque judicare, nec pro inimicitia nec pro amicitia injuste judicabunt. Iterum, jurabunt se nullos denarios nec premia capturos, quod et eque judicabunt secundum suam conscienciam.

LV. Si aliquis juratorum possit comperi accepisse premium pro aliqua questione de qua aliquis trahatur in eschevinagio, domus ejus . . . prosternatur, nec amplius ille qui super hoc deliraverit, nec ipse, nec heres ejus dominatum in communia habebit.

The three salient features in common are (1) the oath to administer justice fairly, (2) the special provisions against bribery, (3) the expulsion of any member of the body convicted of receiving a bribe.

If we had only "the oath of the Commune," we might have remained in doubt as to the nature of the administrative body; but we can now assert, on continental analogy, that its twenty-four members comprised twelve "skevini" and an equal number of councillors. We can also assert that it administered justice, even though this has been unsuspected, and may, indeed, at first arouse question.

It will, naturally, now be asked: What became of these "twenty-four," who formed the Mayor's council in the days of John? Mr. Loftie, we have seen, held

OATH OF COMMON COUNCIL

that they became "identified with the Aldermen"; my own view is that, on the contrary, they were the germ of the Common Council. The vital distinction to be kept in mind is that the Alderman was essentially the officer in charge of a ward, while the Common Council, as one body, represented the City as a whole. In questions of this kind little reliance can be placed on late commentators; but the *formulae* of oaths are usually ancient, and often enshrine information on the duties of an office in the past. Now the oath of a member of the Common Council contains significant clauses :

Sacramentum . . . hominum ad Commune Consilium electorum est tale : . . . bonum et fidele consilium dabis, secundum sensum et scire tuum ; et pro nullius favore manutenebis proficium singulare contra proficium publicum vel commune dictæ civitatis ; et postquam veneris ad Commune Consilium, sine causa rationabili vel Majoris licentia non recedes priusquam Major et socii sui recesserint ; et quod dictum fuerit in Communi Consilio celabis, etc.¹

It is not only that this is essentially the oath of one whose function it is to be a councillor : the striking point is that it contains three provisions in common with those which bound, at Rouen, the "Vingtquatre." The councillor was (1) not to be influenced by private favour ; (2) not to leave the Council without the Mayor's permission ;² (3) to keep secret its proceedings.³ I

¹ Liber Albus, i. 41.

² "Quicumque predictorum, sine licentia majoris abierit de congregacione aliorum, tantundem paccabit," etc. ('Établissements,' § 4).

³ "Si quid major celari preceperit, celabunt. Hoc quicumque detexerit, a suo officio deponetur," etc. ('Établissements,' § 2).

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do not say, of course, that there is verbal concordance; but when we turn to the oath of the Alderman, we see at once how much less resemblance his duties have to those of the "Twenty-four."¹ It presents him as primarily the head of a Ward, responsible for certain matters within the compass of that Ward. He has to take part with the Mayor in assize, pleas, and hustings;² but his functions as councillor obtain only a brief mention in his oath ("et que boun et loial conseil durrez a ley choses touchantz le comune profit en mesme la citee").

If any doubt is felt on the subject, it should be removed by turning to the case of Winchester. There, as in London, according to the ancient custumal of the city, we find the Mayor closely associated with a council of "Twenty-four," which, in that case, continued to exist down to 1835:

Il iert en la vile mere eleu par commun assentement des vint et quatre jures et de la commune . . . le quel mere soit remuable de an en an . . . Derechef en la cite deivent estre vint et quatre jurez esluz des plus prudeshommes e des plus sages de la vile e leaument eider e conseiller le avandit mere a franchise sauver et sustener.³

It is clear, to me, that "the Twenty-Four" were no more elected by the Wards (as is persistently believed) in London than at Winchester, but by the city as a whole, though we must not define the Franchise. The Winchester Aldermen, on the contrary, were distinctly district officers, as in London, "whose functions

¹ See Liber Albus, i. 307-8.

² Compare the case quoted in Palgrave's 'Commonwealth,' II. p. clxxxiii.

³ Arch. Journ., ix. 70.

THE ALDERMEN AND THE COMMUNE

related chiefly, but not wholly, to the police and preservation of order, health, and cleanliness within their several limits.”¹ Moreover, they retained at Winchester, down to a late period, their distinct character and existence. According to Dean Kitchin:

The aldermen, in later days the civic aristocracy, were originally officers placed over each of the wards of the city, and entrusted with the administration of it . . . It was not till early in the sixteenth century that they were interposed between the mayor and the twenty-four men.²

The general powers for the whole town possessed by the Mayor and his council were quite distinct from the local powers of each Alderman in his district. For my part, I cannot resist the impression that, while the sheriff, bailiff, or reeve represented the power of the Crown, and the Alderman the old local officer, the council of twenty-four, so closely associated with the Mayor, and not the representatives of districts, were a later introduction, of different character, and representing the commercial as against the territorial element. Whether the Aldermen joined the council in later days or not, they were never, I believe, originally or essentially, a part of that body.

The chief objection, probably, to connecting the “commune” of London with the “Établissements de Rouen” will be found in the fact that the latter refer to a system based on a body of a hundred *parcs*, of which body there does not seem to be any trace in England. At Winchester the *parcs* were “the twenty-four.” It is obvious that, in this respect, there is a marked discrepancy; but if the electoral body was

¹ Ibid. p. 81.

² Historic Towns: Winchester, p. 166.

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different, the executive, at any rate, was the same. And if, as must be admitted, there was a foreign element introduced, it would be naturally from Normandy that it came.¹

Writing in 1893, before I had discovered the documents on which I have dwelt above, I insisted on the *foreign* origin of the London "commune," and pointed out that the close association between London and Rouen at the time suggested that the office of Mayor was derived by the former from the latter.² It may be permissible to repeat this argument from presumption, although its form was adapted to a wider circle than that of scholars.

The *beffroi* of France, to which the *jurat* looked as the symbol and pledge of independence, is found here also in the bell-tower of St. Paul's, which is styled in documents either by that name (*berefridum*), or by that of *campanile*, which brings before us at once the storm-tost commonwealths of Italy. It was indeed from Italy that the fire of freedom spread. With the rise of mediæval commerce it was carried from the Alps to the Rhine, and quickly burst into flame among the traders and craftsmen of Flanders. Passing into Picardy, it crossed the Channel, according to a theory I have myself advanced, to reappear in the liberties of the Cinque Ports, with their French name,

¹ In his valuable 'Étude sur les origines de la commune de St. Quentin,' M. Giry has shown that this early example, with those derived from it, was distinguished by the separate existence and status of the *échevins*. Nor have the *Établissements* as much in common with the London *commune* as those of Rouen.

² Archæological Journal, L. 256-260.

their French "serements" and their French *jurats*.¹ Foreign merchants had brought it with them to the port of Exeter also, almost as early as the Conquest, and we cannot doubt that London as well was already infected with the movement, and eager to find in the foreign "commune" the means of attaining that administrative autonomy and political independence which that term virtually expressed.

Hostile though our kings might be to the communal movement here, they favoured it for purposes of their own in their Norman dominions. This is a factor in the problem that we cannot afford to overlook, considering the peculiar relation in which Normandy stood to England. As M. Langlois has observed:

Jamais en effet la France et l'Angleterre n'ont été, même de nos jours, aussi intimement en contact . . . Jusqu'à la fin du xii^{me} siècle, les deux pays eurent à peu près les mêmes institutions politiques, ils pratiquaient la même religion, on y parlait la même langue. Des Français allaient fréquemment dans l'île comme touristes, comme colons, comme marchands.

Was it not then from Normandy that London would derive her commune? And if from Normandy, surely from Rouen. We are apt to forget the close connections between the two capitals of our Anglo-Norman kings, London on the Thames, and Rouen on the Seine. A student of the period has written of these:

Citizens of Norman origin, to whom London, in no small measure, owed the marked importance which it obtained under Henry I. . . . Merchants, traders, craftsmen of all sorts, came flocking to seek their fortunes in their sovereign's newly-acquired dominions, not by forcible spoliation of the native people, but by fair traffic and honest labour in their midst. . . . Norman refinement, Norman taste,

¹ Feudal England, 552 *et seq.*

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Norman fashions, especially in dress, made their way rapidly among the English burghers. . . . The great commercial centre to which the Norman merchants had long been attracted as visitors, attracted them as settlers now that it had become the capital of their own sovereign.¹

It is known from the 'Instituta Londoniæ' that, so far back as the days of Æthelred, the men of Rouen had traded to London, bringing in their ships the wines of France, as well as that mysterious "cras-pice," which it is the fashion to render "sturgeon," although there is reason to believe that the term denoted the porpoise and even the whale. The charter of Henry, duke of the Normans, to the citizens of Rouen (1150-1), brings out a fact unknown to English historians, by confirming to them their port at Dowgate, as they had held it from the days of Edward the Confessor. And the same charter, by securing them their right to visit all the markets in England, carries back that privilege, I believe, to the days at least of Henry I.; for, although the fact had escaped notice both in France and England, it could neither have originated with Count Geoffrey nor with Duke Henry his son.

Nor does the interest of this Rouen charter stop here. Among the sureties for the young Duke's fidelity to his word we find Richer de Laigle, the youthful friend of Becket, "a constant visitor," as Miss Norgate, writes, "and intimate friend of the little household in Cheapside." And does not the name of Becket remind us how "Thomas of London, the burgher's son," afterwards "Archbishop, saint and

¹ Norgate's 'England under the Angevin Kings,' i. 48-9.

martyr," had for his father a magnate of London, but one who was by birth a citizen of Rouen? Therefore, the same writer is probably justified in maintaining that "the influence of these Norman burghers was dominant in the city." They seem, she adds, "to have won their predominance by fair means, fairly. They brought a great deal more than mere wealth; they brought enterprise, vigour, refinement, culture, as well as political progress."¹

Now it is my contention that political progress was represented with them by the communal idea. Their interests, moreover, would be wholly commercial, and, therefore, opposed to those of the native territorial element. If we turn to Rouen, we find its Mayor occurring fifteen years at least before the Mayor of London, and styled Mayor of the "Commune" of Rouen—"Major de Communia." For Rouen was a stronghold of the "Commune." It is of importance, therefore, for our purpose to ascertain at what period the communal organization originated at Rouen. In spite of the close attention, from the days of Chéruef downwards, that the subject has attracted in France, the conclusions attained cannot be deemed altogether satisfactory.

The monograph devoted by M. Giry to the "Établissements de Rouen,"² represents the *fine fleur* of French historical scholarship, and its conclusions,

¹ These passages are quoted to show that the influence of Rouen on London is admitted by an independent writer.

² 'Les Établissements de Rouen' (Bibliothèque de l'école des hautes études, publiée sous les auspices du Ministère de l'instruction publique, 1883).

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therefore, deserve no ordinary consideration. But on one point of the utmost importance, namely, the date at which these "Établissements" were compiled, I venture to hold an independent view. The initial difficulty is thus stated by the brilliant French scholar :

L'original n'existe plus, et l'on ne sait à quelle époque précise il faut faire remonter leur adoption dans les villes de Rouen et de la Rochelle qui les ont eus avant tous les autres (p. 2).

The first allusion to the jurisdiction exercised by the Commune of Rouen is found, says M. Giry, in the charter granted it by Henry II. shortly after its gallant defence against the French king. He then proceeds :

C'est du reste à la fin du règne de Henri II. que nous voyons pour la première fois la ville de Rouen décorée du titre de Commune (*communio*) dans un grand nombre de chartes dont les listes de témoins circonscrivent la date entre 1173 et 1189. Dans ces chartes les mentions d'un maire, de pairs, d'un bailli, nous font voir qu'alors déjà la ville jouissait de l'organisation municipale que les Établissements exposent avec plus de détails ; elles nous permettent de croire que cette constitution, à peu près telle qu'elle nous est parvenue y était alors en vigueur (p. 28).

A footnote is appended, giving "l'indication de quelques-unes des chartes, malheureusement sans dates, sur lesquelles s'appuie cette démonstration" :

[1] "Radulphus Henrici regis cancellarius (1173-1181) . . . Bartholomeus, major communie Rothomagensis" . . . [2] "in presentia Bartholomei Fergant qui tunc erat major communie Rothomagensis (1177-1189) et parium ipsius civitatis," etc.

The expert will perceive that these two charters "demonstrate," not a date "entre 1173 et 1189,"

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but between 1177 and 1181. For if Bartholomew's rule as mayor began in 1177, the first cannot be of earlier date; and if Ralf ceased to be chancellor in 1181,¹ its mention of a "commune" cannot be of later date than that year. As a matter of fact, my own study of the Rouen cathedral charters (from which this evidence is taken) has convinced me that Bartholomew was mayor earlier than 1177; but I am, for the moment, only concerned with M. Giry's dates. Returning to the point later on, when discussing the claim of priority for La Rochelle, he writes:

Les documents que nous avons pu interroger ne sauraient décider même la question d'antériorité, puisqu'ils ne donnent que des époques approximatives et circonscrivent la date, pour Rouen entre 1177 et 1183, et pour la Rochelle entre 1169 et 1199 (pp. 67-8.)

No reference is given for the date "1183," but it must be derived from the "demonstration" on p. 29 (foot-note), where a charter is mentioned which speaks of the "Communio Rothomagi" in the time of archbishop Hugh, "1129-1183." But now comes the startling fact. It was not Hugh who died in 1183, but his successor, Rotrou! Hugh himself had died so early as 1164. Therefore, if this charter can be trusted, it proves that the "communio" was in existence, and (as M. Giry holds), the "Établissements" with it, at least as early as 1164. But the fact is that, as M. Giry had himself observed, when speaking, just before, of duke Henry's charter, "*la communio Rothomagi* (art. 7) ne désigne que la communauté des citoyens" (p. 26); it does not prove the existence of

¹ He became, in that year, bishop of Lisieux.

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a *commune*, and, of course, still less of the “Établissements.”

But I would urge that not even the mention of a true *commune* (“*communia*”) in a charter proves the adoption of the “Établissements” at the time. For Henry’s grant of a “*communia*” to La Rochelle was made, according to M. Giry, between 1169 and 1178;¹ and yet, as we have seen, he does not deem the adoption of the “Établissements” at La Rochelle proved before 1199. In that year Queen Eleanor granted to Saintes “*ut communiam suam teneant secundum formam et modum communie de Rochella*.” Even this, I venture to think, is not actual proof that the “Établissements de Rouen” had already been adopted at La Rochelle, though it certainly affords some presumption in favour of that view.

It is only when we turn from this external evidence to the text of the “Établissements” themselves, that we discover, in two passages, a direct clue. In these an exception is made in the words: “*nisi dominus rex vel filius ejus adsint Rothomagi vel assisia*” (ii. 24, 28). On these M. Giry writes:

Les articles qui prévoient la présence à Rouen du roi ou de son fils ne peuvent guère s’appliquer qu’à Henri II. et à Richard Cœur-de-Lion. C’est donc des dernières années du règne de Henri II., après l’année 1169, qu’il faut dater la rédaction des Établissements (i. 11).

Here, then, we have yet another limit—the last (twenty) years of Henry II. No reference, however, is given for the date “1169” (unless it applies to La

¹ I am in a position to date this charter precisely as at or about Feb., 1175.

Rochelle—and even then it is wrong).¹ But my point is that between the years “1169” (or “1177”) and “1183” the king’s son here mentioned was, obviously, not Richard, but Henry, styled king of the English and duke of the Normans, from his coronation in 1170 to his death in 1183. And, even after Henry’s death, Richard was never duke of the Normans in his father’s lifetime. My own conclusion, therefore, is that these parts, at least of the “Établissements,” and probably the whole of them, were composed before the death of the young king in 1183, and probably after his coronation, and admission to a share of his father’s power, in 1170. Thus they may well have been connected with Henry’s charter to Rouen granted in 1174–1175.

These considerations may have led us somewhat far afield; but if I am right in deriving from the Norman capital of our kings the 12th century “Commune of London,” the origins of the Rouen “Commune” deserve our careful study. The same MS. which yielded the leading document in this paper contains two others, of which something must be said. But before doing so we will glance at one of different origin, which, in more ways than one, we may associate with the ‘Commune.’

¹ Recurring, in his “Conclusions” at the end of the volume, to this question of date, M. Giry seems to combine two of his different limits: “L’étude du texte nous a permis de fixer la rédaction des Établissements aux dernières années du règne de Henri II., après 1169. Nous savons, de plus que La Rochelle les avait adoptés avant 1199, que Rouen les avait également possédés vers la même époque, entre 1177 et 1183” (p. 427). Of these dates, I can only repeat that “1183” has its origin in an error; “1177” is, I think, a mistake, and “1169” difficult to understand. My forthcoming calendar of charters in France will throw fresh light upon the date.

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The charter which follows is chiefly introduced for the interesting phrase found in it: "the greater barons of the city." So far as I know, this phrase is unique; and apart from its importance for London itself, it has a direct bearing on that famous constitutional problem: who were the "barones majores"? In the present case, the phrase, surely, has no specialized meaning. It is probably a coincidence, and nothing more, that "majores" and "minores," at St. Quentin, had a defined meaning. In M. Giry's treatise on its *commune* we read as follows:

Notons ici que les citoyens ayant exercé les fonctions de jurés et d'échevins formaient dans la ville une véritable aristocratie: on les appelait les grands bourgeois, *majores burgenses*, par opposition aux petits bourgeois, *minores burgenses*, qui comprenaient tous les autres membres de la commune (p. cxi.).

And again:

À Saint-Quentin, comme dans toutes les communes, le pouvoir était aux mains des habitants riches qu'on appelait, ainsi qu'il a été dit plus haut, les grands bourgeois (*majores burgenses*), parce qu'ils avaient exercé les charges municipales, et pour les distinguer des petits bourgeois (*minores burgenses*), dénomination appliquée à tous ceux qui n'avaient point rempli les fonctions de juré ou d'échevin. En 1318, pendant la suspension de la commune, ces petits bourgeois se plaignirent de la mauvaise répartition des tailles et traduisirent devant le Parlement les grands bourgeois, auteurs des rôles d'imposition incriminés (p. cxv.).

The original of this charter is preserved at the Public Record Office.¹ It is assigned in the official calendar to 1189-1196, but this date can be greatly narrowed. For while it is subsequent to William's consecration (31st Dec., 1189), it must be previous to his obtaining the legation in June, 1190, for Bishop

¹ Ancient Deeds, A. 1477.

Hugh was his open foe before he lost it, and could not act with him after that.

Willelmus dei gratia Elyensis episcopus Domini Regis cancellarius universis Christi fidelibus ad quos presens scriptum pervenerit salutem in vero salutari. Universitati vestre notum fieri volumus nos dedisse et concessisse et presenti carta nostra confirmasse dilecto et familiari nostro Gaufrido Blundo civi Lond' et heredibus suis totam terram et mesuagium cum pertinentiis et libertatibus et liberis consuetudinibus et rebus cunctis que ad predictam terram pertinent, quam terram et quod mesuagium cum pertinentiis emimus de Waltero Lorengo qui fuit nepos Petri filii Walteri¹ et Roberti filii Walteri et eorum heres per veredictum tocius civitatis Londoniarum (*sic*), et hoc testificatum fuit coram nobis *a maioribus baronibus civitatis* apud Turrin Lond'. Que terra et quod mesuagium cum pertinentiis fuerunt predicti Petri filii Walteri et predicti Roberti filii Walteri qui fuerunt avunculi predicti Walteri Loreng' et jacent in parochia Sancti Laurentii de Judaismo et in parochia Sancte Marie de Aldermanebury, habendum et tenendum predicto Gaufrido et heredibus suis jure hereditario imperpetuum cum omnibus pertinentiis et libertatibus et liberis consuetudinibus et cum omnibus rebus, scilicet quicquid ibidem habuimus in terris, in lignis, in lapidibus, in redditibus, et in rebus cunctis, sine aliquo retinimento faciendo inde servitium quod inde capitali domino debet, scilicet vj d. per annum ad Pasch' pro omni servitio. Hanc vero terram et mesuagium cum pertinentiis, ut predictum est, ego Willelmus predictus et heredes nostri predicto Gaufrido et heredibus suis contra omnes gentes imperpetuum warrantizabimus. Pro hac donatione et concessione et carte nostre confirmatione predictus Gaufridus Blund dedit nobis quatuor viginti et decem libras argenti in gersumam. Et ut hec nostra donatio et concessio rata et inconcussa predicto Gaufrido et heredibus suis imperpetuum permaneat, eam presenti scripto et sigilli nostri munimine corrobora-
vimus.

Hīs testibus: Hugoni Cestrensi episcopo; Henrico de Longo Campo fratre nostro; Willelmo de Brause; Henrico de Cornhell; Willelmo Pintel; Ricardo filio Reineri; Henrico filio Ailwin;

¹ Sheriff of London 1174-6. Also Alderman (Palgrave, II. clxxxiii.).

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Waltero de Hely senescallo nostro; Matheo de Alenzun camerario nostro; magistro Michaelae; Willelmo de Sancto Michaelae; Gaufrido Bucuinte; Simone de Aldermannebury; Baldewino capellano nostro; Stephano Blundo; Philippo elemosinario nostro; magistro Willelmo de Nanntes; Daniele de Longo Campo clerico nostro; Reimundo clerico nostro, et multis aliis.

We have here a remarkable group of men—Longchamp himself, whose fall, in 1191, was so closely connected with the birth of the *commune*, but who is here seen, in the hour of his pride, speaking of “our brother,” “our seneschal,” “our chamberlain,” “our chaplain,” “our almoner,” and “our clerks”; Bishop Hugh, who was next year to take the lead in expelling him from the Tower, as yet his stronghold; Henry of Cornhill and Richard Fitz Reiner, who had ceased but a few months before to be sheriffs of London, and who were to play so prominent a part at the crisis of 1191; lastly, Henry Fitz Ailwin himself, who, as the ultimate result of that crisis, was destined to become the first Mayor of the *Commune* of London.

The grantee himself also was a well-known citizen of London. In conjunction with Henry Fitz Ailwin (as Mayor) and other City magnates, he witnessed a gift of property in the City to St. Mary's, Clerkenwell;¹ and he seems to have been the Geoffrey Blund who had, by his wife Ida de Humfraville, a son Thomas, who founded a chantry in St. Paul's for his uncle Richard de Humfraville, and his father Geoffrey.

For the London topographer also this charter has an interest, as land in St. Lawrence Jewry, and

¹ Cot. MS. Faust, B. ii., fo. 66 d.

WATCH AND WARD

St. Mary Aldermanbury, must have closely adjoined the site of the Guildhall itself. The sum named is a large one for the time.

I now pass to the two documents of which mention has been made above. The first of these ¹ is of interest for its bearing on the "ward" system. At Rouen the "excubia" was in charge of the mayor; ² in London, according to this document, he had not supplanted the sheriffs, by whom it must have been controlled before his appearance. This I attribute to its close connexion with the pre-existing system of "wards," each, I take it, a unit for purposes of defence and ward, under its own alderman, with the sheriffs at the head of the whole system.

DE EXCUBIIS IN NATALI ET PASCHA ET PENTECOST.³

Magna custodia debet invenire xii homines sed per libitum vicecomitis abbreviata est usque ad viii homines.

Mediocris custodia debet viii vigiles, sed ita abbreviata usque sex.

Minor custodia debet sex, sed ita abbreviata usque ad iiij^{or}.

Debent autem escavingores ⁴ eligi qui singulis diebus a vigilia Nat[alis] domini usque ad diem epyphanie videant illos qui debent de nocte vigilare quod sint homines defensibiles et decenter ad hoc armati. Debent autem ad vesperam in die videri et ad horam completorii exire et per totam noctem pacifice vigilare et vicum salve custodire usque pulsetur ad matutinas per capellas, quod vo-

¹ Add. MS. 14,252, fo. 106.

² "Major debet custodire claves civitatis et cum assensu parium talibus hominibus tradere in quibus salve sint.

"Si aliquis se absentaverit de excubia ipse erit in misericordia majoris secundum quod tunc fuerit magna necessitas excubandi" ('Etablissements de Rouen,' ii. 44).

³ Add. MS. 14,252, fo. 106.

⁴ MS. 'escauingores.'

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catur *dai Belle*. Et si aliqua defalta in custodia contigerit, escav-
vingores debent illos inbreviare et ad primum hustingum vicecomi-
tibus tradere. Potest eciam vicecomes, si vult, cogere eos jurare de
defalta quod nulli inde deferebunt nec aliquem celabunt.

DE CARTIS CIVITATIS.

In thesauro due regis Willelmi primi et due de libertatibus regis
Ricardi et de eodem rege due carte de kidellis et de rege Johanne
due carte de vicecom[itu], una de libertate et una de kidellis
cum sigillo de communi cons¹ (*sic*) habet i cartam regis Johannis
de libertate civitatis W. fil' Ren' habet i regis Henrici de liber-
tate et H[enricus] de Cornh[illa] aliam, Rog[erus] maior habet
cartam Regin[aldi?] de Cornh[illa] de debito civitatis de ccc
marcis.

The latter portion, it will be observed, describes
the custody of the city charters, and is of special
value as fixing the date to that of the mayoralty of
Roger, who held the office in 1213.

The regulations for the watch are decisive, surely,
of the functions originally discharged by the "scav-
engers" of London. They were inspectors of the
watch. In his introduction to the 'Liber Albus' (1859)
Mr. Riley held that—

The City Scavagers, it appears, were originally public officers, whose
duty it was to attend at the Hythes and Quays for the purpose
of taking custom upon the *Scavage* (*i.e.* Showage) or opening out of
imported goods. At a later period, however, it was also their duty,
as already mentioned, to see that due precautions were taken in the
construction of houses against fire; in addition to which it was their
business to see that the pavements were kept in repair. . . .
These officers, no doubt, gave name to the '*Scavengers*' of the present
day (p. xli.; cf. iii. 352, 357).

Professor Skeat adopts this view in his etymolo-

¹ ? consilio.

gical Dictionary, and develops it at some length, holding that "the *n* before *g* is intrusive" as in some other cases, "and scavenger stands for scavager." He consequently connects the word with our "shew," through "scavage." But no evidence whatever is adduced by Mr. Riley for his assertion that the "Scavagers" originally performed the above duty or had anything to do with it.

The last of these London records with which I have here to deal is the so-called "Hidagium" of Middlesex.¹ The explanation of its thus appearing among documents relating to the administration of London is that when London and Middlesex were jointly "farmed" by the citizens, the sheriffs answered jointly for the 'Danegeld' of Middlesex and the corresponding *donum* or *auxilium* of London. Here therefore we find these two levies side by side as on the Pipe Rolls. But though the latter was levied from the city when Danegeld was levied from the shire, it was in no way connected with hidation, but consisted of arbitrary sums payable by the principal towns. Prof. Maitland, therefore, is mistaken when, in his great work, 'Domesday Book and Beyond,' he makes a solitary reference to our MS., as implying that London "seems to have gelded for 1,200 hides" (p. 409). He has here confused the assessed hidage of boroughs with the arbitrary *donum* or *auxilium*. This is shown by comparing the latter, as given by himself (p. 175), with the ascertained hidage of towns and the payments its sum would involve.

¹ Add. MS. 14,252, fo. 126.

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	hides.	[geld.]	donum.
Worcester . . .	15 .	£1 10 0 .	£15
Northampton . .	25 .	2 10 0 .	10
Dorset Boroughs .	45 .	4 10 10 .	15
Huntingdon . . .	50 .	5 0 0 .	8
Hertford . . .	10 .	1 0 0 .	5

But the special interest of the entry, "c et xx libr." (£120) lies in the fact that this amount, which was the sum paid in 1130 and 1156, was obsolete after that time, much larger sums being thenceforth exacted from London. It is, of course, just possible that the obsolete figure was retained, as a protest, on this list; but it is far more probable that what we have here is a copy *temp.* John of an earlier document, perhaps not later than the middle of the 12th century.¹

HIDAGIUM COMITATUS TOCIUS MIDDLESEXE.

IN HUNDREDO DE OSULVESTUNE.

Villa de Stebehee . . .	1 ^a hid.	
Terra de Fafintune . . .	iiij hid. ²	
H[er]gotestune . . .	ij hid.	Abb'is
Brambelee . . .	v hid.	
Fulcham . . .	1 ^a hid.	
Villa sancti Petri . . .	xvj hid.	2 dimid.
Hamstede . . .	v hid.	iiij abb's ³
Lya . . .	x hid.	abb'is
Tolendune . . .	ij hid.	
Terra Gub'ti . . .	dim. hid.	
Abbas Colcestr' . . .	dim. hid.	
Chelchede . . .	ij. hid	abb'is
Kensintune . . .	x hid.	
Lilletune . . .	v hid.	

¹ The 'th' in the first 'Spelethorn' is an Anglo-Saxon character.

² This is the "Terra Roberti Fafiton" (at Stepney) of Domesday, i. 130.

³ Cf. Domesday, i. 128.

THE HIDAGE OF MIDDLESEX

Tiburne	v hid.	Vs.
Willesdune	xv hid.	
Herlestune	v hid.	
Tuferd	iiij xij d. hid.	
Sum[ma] c et quater xx hid. et xi hid. et dim.		

IN HUNDRED' DE YSTELWRKE . c et v hid.

IN HUNDREDO DE SPELETHORN.

Stanes	xxxv hid.	Abb'
Stanwelle	xv hid.	
Bedefunte	x hid.	
alia Bedefunte	x hid.	
Feltham	xv hid.	
Kenetune	v hid.	
Suneb[er]ia	vij hid.	Abb.
Sep[er]tune	viiij hid.	Abb.
Hanewrtha	v hid.	iiij Abb'
Summa c et x hid.		

IN HUNDREDO DE LA GARE.

Herghe	c hid.	
Kingesb[er]ia	x hid.	
Stanmere	ix hid.	
Terra com'	vj hid.	
Alia Stanmere	ix. hid. et dim.	
Heneclune ¹	xx hid.	Abb.
Summa c et xl et ix hid.		

IN DIMIDIO HUNDREDO DE MIMES lxx hid.

Toteham	[5] ² hid.	
Edelmetune	[5] ² hid.	
Mimes	[35] hid.	
Enefeld.	xxx hid.	
Summa lx et ix hid.		

Summa summarum octies c et liij hid. et dimid.

Summa Hidarum Abbacie Westm'. . c et xviiij hid.

¹ Rectius "Hendune."

² From Domesday Book.

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DANEGELD.

Middelsexe	quater xx libr' et c sol. et vj d.
Londr'	c et xx libr.

SUMMA HUNDREDORUM.

Osuluestane	cc et xj hid.
Spelthorn	c et x hid.
Elethorn	cc et xxiiij hid
Garehundr'	c et xlix hid. et dim.
Thistelwrkhundr'	c et v hid.

Explicit de comitatu de Middelsexe.

This list obviously requires to be edited by a local worker, who should collate it with Domesday. In its present form it is clearly corrupt. The amount of Danegeld due from the county implies an assessment of $850\frac{1}{4}$ hides (at two shillings on the hide), but the actual total is here given as $853\frac{1}{2}$. This again does not tally with the "summa hundredorum," which only records $809\frac{1}{2}$,¹ while the detailed list of hundreds, it seems, gives no more than $725\frac{1}{2}$. It should be observed that the hundred of "Mimms" is the Domesday hundred of Edmonton, while that of 'Isleworth,' similarly, is the Domesday hundred of Hounslow, which contained Isleworth and Hampton.

¹ This may be chiefly due to omitting "Mimms" (70 hides) and reckoning Ossulston at 20 hides too much.

XII

The Great Inquest of Service, 1212

IT will be my object in this paper to recover and identify the fragments of a great national inquest, which seems to have escaped the notice of constitutional historians, and which, if its full returns had been preserved, might not unworthily be compared with the Domesday Inquest itself. In the course of doing so, I shall hope to prove that abstracts of these returns have been wrongly assigned by all antiquaries to an earlier and imaginary inquest, and that their belief has recently received an official confirmation. The solution I shall now propound will remove the admitted difficulties, to which the existing belief on the MSS. has, we shall find, given rise.

The bewildering *congeries* of returns known as the 'Testa de Nevill'—an Edwardian manuscript shovelled together, and printed by the old Record Commission in 1807—has long been at once the hunting-ground and the despair of the topographer and the student of genealogy. Now that the returns contained in the Red Book of the Exchequer are also at length in type,¹ it is possible to collate the two collections, and thus to remove, in part at least, the obscurity that has hitherto surrounded them.

¹ The Red Book of the Exchequer (Rolls Series), pp. 469-574.

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Mr. Hall, in his preface to the 'Red Book,' writes thus :

The Sergeanties and Inquisitions which form a considerable part of the Feodary in the Red Book of the Exchequer, have hitherto been little known, and their true value has been by no means sufficiently appreciated. This neglect has perhaps arisen from the greater convenience of reference to the printed collection known as the *Testa de Nevill*; but as it is now very generally recognised that the text of this work is far from satisfactory in its present form, the evidence of the kindred returns contained in earlier Exchequer Registers deserves our most careful attention (p. ccxxi.).

In the 'Red Book' itself the returns are headed :

Inquisitiones factæ tempore regis Johannis per totam Angliam anno scilicet regni sui xii^o et xiii^o in quolibet comitatu de servitiis militum et aliorum qui de eo tenent in capite secundum rotulos liberatos thesaurario per manus vicecomitum Angliæ tempore prædicto (p. 469).

They are accordingly given, by the editor, the marginal date "1210-1212" throughout (pp. 469-574). On the other hand, the 'Testa de Nevill' returns were, as he shows, delivered at the Exchequer on the morrow of St. John the Baptist (25th June), 1212 (p. ccxxi.). Thus then we have, according to him, two successive and "independent returns" :

- (1) The 'Liber Rubeus' returns made between May, 1210, and May, 1212.
- (2) The 'Testa de Nevill' returns made in June, 1212.¹

It is necessary to keep these dates very clearly in mind, because, although the editor accepts the 'Red Book' statement, and adopts accordingly the marginal

¹ Mr. Hall has since, in the 'Athenæum' (10th Sept., 1898), repeated the view that the 'Red Book' returns were "made in the two preceding years."

THE RED BOOK 'INQUISITIONS'

date "1210-1212," he yet, by an incomprehensible confusion, speaks of the same as the Inquisition of "1210-1211" on p. ccxxviii. (*dis*), and even as "the earlier Inquisition of 1210 entered in the Red Book" (p. ccxxvi.), and of "the two independent returns of 1210 and 1212" with "two stormy years" between them (p. ccxxiv.); while in another place he actually dates the said "returns of 1210" as belonging to "1212" (p. clxv.). He thus dates the Red Book Inquisitions in one place '1210-1212,' in another '1210-1211,' in a third '1210,' and in a fourth '1212.'

Now I may explain at the outset that what I propose to do is to show that instead of two Inquests (one recorded in the 'Red Book' and the other in the 'Testa'), there was only a single Inquest, with one series of returns, and that this was the Inquest of June, 1212.

As this view is in direct conflict with the heading in the 'Red Book' itself, we must first glance at Mr. Hall's statement that "the date of the Inquisitions entered in the Red Book can be proved from internal evidence" (p. ccxxiii.). What he there claims to prove is that their date is between 1209 and "the early part of 1213." Such a conclusion, it will be perceived, in no way proves that they do not belong, as I shall contend they do belong, to June, 1212. Putting aside the obvious and inherent improbability of an Inquest being made in 1212 on the very matter which had formed the subject of an Inquest only just concluded, we need only compare the returns to prove their common origin. Mr. Hall observes that at times

we come upon a passage of a few lines or a whole page or more

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in the MSS., headed in the later Register 'De Testa de Nevill,' dated in the original rolls in the 14th year of John, and corresponding entry for entry with the Red Book Inquest of the 12th and 13th years of that reign (p. ccxxv.).

But the obvious inference that the two Inquests were really one and the same seems not to have occurred to him. We will glance, therefore, at the parallel returns he has himself selected. Foremost among these is "the Middlesex Inquisition" for 1212, of which he has printed "the original return" as an appendix to his Preface (pp. ccxxvi., cclxxxii.-iv.), for comparison with the texts in the 'Red Book' and in the 'Testa de Nevill.' But he warns us

that the numerous variants and the independent wording of the entries, as well as the thirteenth century note "in Libro" on the bottom of the Roll, forbid the supposition that this is really an original of the earlier Inquisition of 1210 (*sic*) entered in the Red Book.

The "original" return and the two texts all begin with the "Honour" of William de Windsor, who inherited from his Domesday ancestor, Walter fitz Other, a compact block of four manors, East and West Bedfont, Stanwell, and Hatton, in the south-west of the county. The first entry is for East Bedfont, and the second ran, in the "original" return: "*Walterius* Bedestfont, Andreas Bucherel, feudum unius militis." But *Walterius*, Mr. Hall tells us, was "altered in a contemporary hand to "in alterius." The 'Testa' renders this as "in villa alterius," while the 'Red Book' gives us "*Walterius* de Bedefonte, Andreas Bukerellus j feudum." There can be no question that the 'Testa de Nevill' is right, and that Andrew Bucherel was the sole tenant of the fee, for the scutage

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is accounted for accordingly on the same page (p. 361). It follows, therefore, that the 'Red Book' and the "original" return have both evolved, in error, a Walter de Bedfont from "in alteri" Bedfont. Hence I conclude that the strip of parchment termed by Mr. Hall "the original return," was not the original return, and that the error common to the 'Red Book' and itself demonstrates a close connection between the two.

But if this document was not the original return, what was? To answer this question, we must turn to Worcestershire, one of the counties cited by Mr. Hall for the parallel character of the returns. How significantly close is the parallel these entries will show :

Comes Albemarle j militem et
dimidium in Severnestoke, pro
qua et Kenemertone et Botintone
in Gloucestresyra Rex acquietat
abbatem Westmonasterii de iij
militibus ('Liber Rubeus,' p.
567).

Comes Albemarle tenet Saver-
nestoke de dono regis Ricardi per
servicium j militis et dimidii pro
qua et pro Kenemerton et Botin-
ton in Glouc[estresyra] dominus
Rex acquietat abbatem West-
monasterii de iij militibus ('Testa
de Nevill,' p. 43).

It will be obvious, from the verbal concordances, that instead of representing, as Mr. Hall holds, two "independent" returns made in different years these texts are derived from one and the same return. But instead of being, as in the case of Middlesex, arranged in the same order, they are here found, in the respective texts, arranged in very different order. The explanation of this is that the 'Testa' records the Inquest by Hundreds, while the 'Red Book' groups the fees under the barons' names and the sergeancies apart at the end. This is particularly interesting from the parallel of Domesday Book, where the Inquest, of which the

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original returns were drawn up hundred by hundred, was rearranged in Domesday Book in similar fashion. I was led to suspect that this great Inquest was, generally at least, drawn up by Hundreds, from Mr. Hall's remark that

There is a marginal note in the Red Book returns for Wilts, now partially illegible, but (*sic*) which clearly records the loss of the Inquisition of several of the Hundreds of that county, while a precisely similar note is entered on the dorse of one of the original returns for Norfolk in the *Testa* (p. ccxxiv.).¹

The view I advance at once explains and is confirmed by the remarkable allusion to this Inquest in the 'Annals of Waverley':

(1212) Idem (rex) scripsit vicecomitibus ut *per singulos hundredos* facerent homines jurare quæ terræ essent de dominico prædecessorum suorum regum antiquitus, et qualiter a manibus regum exierint, et qui eas modo tenent et pro quibus serviitiis.

There can, in my opinion, be no question whatever that this refers to the writ ordering the great Inquest of service in 1212. This is printed in the 'Testa' (p. 54), and as an appendix to the 'Red Book' (p. cclxxxv.). It is too lengthy to be quoted entire, but in it are found these words:

De tenementis omnibus quæ antiquitus de nobis aut de progenitoribus nostris regibus Angliæ teneri solent, quæ sint data vel alienata . . . et nomina illorum qui ea teneant et per quod servitium.

The only difference is that the writ leaves the method of inquest to the sheriff's discretion ("sicut melius inquiri poterit") while the chronicler says it was to be made Hundred by Hundred, which, as we have seen, was probably the method adopted.

¹ It will be found on p. 296 of the printed text.

WRIT FOR THE INQUEST

In the 'Testa' the writ is not dated, but the copy printed by Mr. Hall is dated June 1 (1212) at Westminster. This seems but short notice for a return due on June 25, but it is remarkable that the 'Annals of Waverley' mention it in conjunction with a writ dated June 7, which certainly favours the statement. This latter writ directs an enquiry as to the ecclesiastical benefices held under gift of the prelates lately exiled from the realm.¹ It is remarkable that the Worcester returns to the great Inquest of service in 1212 are followed by a return made to such an enquiry :

Inquisicio ecclesiarum. Maugerius episcopus dedit ecclesiam de Rippel' Willelmo de Bosco clerico suo et vicariam ejusdem ecclesie dedit Ricardo de Sancto Paterno clerico suo. Qui Ricardus reddit predicto Willelmo x marcas de pensione. Ecclesia autem integra valet per annum L marcas.

Idem episcopus dedit ecclesiam de Hambur' juxta Wych magistro Ricardo de Cirencestra, que valet per annum x marcas ('Testa,' p. 44).

Bishop Mauger died in the very month of the Inquest (June, 1212). The Notts and Derbyshire returns (p. 18) include two similar entries relating to

¹ "Idem rex præcepit omnibus vicecomitibus ut confiscarentur redditus et omnia beneficia clericorum data eis a Stephano archiepiscopo et ab episcopis Angliæ moram facientibus in transmarinis post interdictum Anglicanæ ecclesiæ, in hæc verba :

"Præcipimus vobis quod capiatis . . . et scire faciatis distincte in crastino Sancti Johannis Baptistæ anno regni nostri xiv baronibus nostris de scaccario ubi fuerint redditus illi et quantum singuli valeant et qui illi sunt qui eos receperunt. Datum vii id. Junii" (p. 267).

It is noteworthy that the returns to both writs were to be due on the same day (June 25), which accounts for their commixture in the 'Testa.' The remarkable rapidity with which such returns could be made to a royal writ should be carefully observed.

the archbishop of York, and those for Somerset and Dorset contain two at least relating to the bishop of Bath (pp. 161 *b*, 162 *a*). The Sussex and Surrey returns similarly contain two entries (p. 226 *a*) relating to Surrey churches to which the archbishop of Canterbury had presented. In this last case the annual value of the livings is deposed to, it should be noted, by six men of each parish.¹

Having now dealt with Middlesex and Worcestershire, I pass to Lancashire, another county cited by Mr. Hall for comparison. The magnificent return for this county in 1212² is noteworthy for several reasons. In the first place, it is headed :

Hec est inquisicio facta per sacramentum fidelium militum de tenementis datis et alienatis infra Limam in comitatu Lancastrie, scilicet per Rogerum Gerneth, etc., etc.

This is a good illustration of the principle of "sworn inquest." In the second, it leads off with the entry : "Gilbertus filius Reinfri tenet feodum unius militis." Although this was a well-known man, *jure uxoris* a local magnate, the 'Red Book' text leads off with the gross corruption : "Gilfridus filius Rumfrai i militem" (568). Mr. Hall, in his index (p. 1183), identifies him with the "Galfridus filius Reinfrei" of another 'Red Book' return (p. 599)—where the 'Testa' has, rightly, "Gilbertus"—and fails to recognise in him the above Gilbert. This is a striking comment on his views expressed at the outset as to the inferiority of the 'Testa' text. So also is the fact that the 'Red Book' reads "Thomas de Elgburgo" at the foot of

¹ "Per veredictum" (printed in 'Testa' "per unum dictum").

² Testa de Nevill, pp. 401-408.

the same page, where the 'Testa' has "Thomas de Goldebur[go]" (p. 406), the correctness of the latter reading being proved by the "Thomas de Goldeburgo" of the 'Red Book' itself (p. 69) in its extract from the Pipe Roll of 1187. Yet the editor ignores the 'Testa' form, and gives 'Elgburgo' in the Index.¹

A third point is that the 'Red Book' compresses here into a skeleton nearly thirteen columns of the closely printed 'Testa de Nevill.' The text of the latter is of value not only for its wealth of information and its witness to the detailed and far-reaching character of this Inquest, but for such expressions as "pro herede Theobaldi Walteri qui est in custodia sua" (*i.e.* regis). Theobald had died more than five years before the Inquest was made; and yet in the 'Red Book' text he appears as the living tenant.

This instance is of some importance in its bearing on apparent contrasts in the 'Testa' and 'Red Book' versions. For Mr. Hall, believing them to represent two successive returns, observes that

In the Inquisitions . . . of the years 1210-11 entered in the Red Book of the Exchequer, Walter Tosard is returned as holding his land in Banningham. . . . In the original return, dated 1212, from which the earliest list of Feudal services in *Testa de Nevill* was compiled, we find that Walter Tosard *held* this serjeanty, and that Avicia Tosard still holds it (p. ccxxviii.).

The apparent discrepancy of the two returns is explained, exactly as in the case of Theobald Walter, by the fact that the full return mentioned Walter Tosard as dead, while the brief and inaccurate ab-

¹ This corrupt list in the 'Liber Rubeus' is evidently akin to a similarly corrupt one interpolated in the 'Testa' (p. 408), as is proved by this name.

stract of it, in the Red Book of the Exchequer, gives his name as if he were alive.

Passing over the elaborate entry for Bradwell, Essex,¹ the two versions of which, it will be found, are clearly derived from the same original, I pass, in conclusion, to the return for Northumberland ('Testa,' 392-3). Although not among the counties cited above by Mr. Hall, its return to the "*Inquisicio facta de tenementis, etc., que sunt data vel alienata,*" etc.,² is specially full and valuable for comparison. Its text appears to reproduce the original *in extenso*. Now any one comparing this return with the meagre list in the 'Liber Rubeus' (pp. 562-4) will perceive at once that the latter is derived from the same original. The names occur in identical order. The only discrepancy is that the 'Red Book' shows us "*Sewale filius Henrici*" in possession of land (Matfen and Nafferton)—held by the interesting serjeanty of being coroner—while the 'Testa' reads "*Philippus de Ulkotes tenet terram que fuit Sewall' filii Henrici.*" It might be urged, as is done by Mr. Hall in the case of the serjeanties and the Boulogne Inquest (pp. ccxxviii., 575), that this proves the 'Testa' return to be the later of the two. But here, again, the real explanation is that—as in the case of Lancashire, where Theobald Walter's name, we saw, is given in the 'Red Book' when he was dead—the appearance of Sewal is merely due to the carelessness, in the 'Red Book,' of the scribe. This, indeed, is evident from his similar appearance

¹ Testa, 268 b; Liber Rubeus, 499.

² Compare the wording of the writ of 1212: "*Inquiri facias . . . de tenementis . . . que sint data vel alienata,*" etc. (see p. 266, above).

in a list which is, according to Mr. Hall, later than either.¹ How essential it is to collate these parallel lists is shown by the very first entry, relating to the interesting tenure of earl Patrick (of Dunbar). According to the 'Testa' (the right reading) he held "iij villas in theynagio." The 'Red Book' makes him hold "iii milites (!) in theynagio," a reading which its editor accepts without question. Another no less striking correction is afforded by the 'Testa,' in its entry relating to the porter of Bamborough Castle and his tenure: "Robertus Janitor de Bamburg' tenet." In Mr. Hall's text we find him as "Robertus, junior" (!), and, as such, the unfortunate man is indexed, although he appears elsewhere, both in the 'Red Book' and the 'Testa,' as "Robertus Portarius."² From these instances it will be evident that though (in the printed text at least) the 'Testa' is not perfect, the 'Red Book' list, for Northumberland, is, when compared with it, worthless.

Indeed, the marvellously elaborate returns for Somerset and Dorset, Lincolnshire, Lancashire, etc., printed in the 'Testa de Nevill,' with which the meagre lists in the 'Liber Rubeus' cannot be compared for an instant, make one read with absolute amazement Mr. Hall's statement, when comparing the two, that one or the other is in its present form lamentably incomplete. This deficiency chiefly exists on the side of the *Testa*, for it will be

¹ 'Liber Rubeus,' p. 466. I have specially examined the Pipe Rolls for evidence on this tenure, and find that Sewal received the rents up to Easter, 1210, and Philip de Ulcote after that date.

² Would it, in any country but England, be possible for an editor who prints, without correcting, these gems to lecture before a university on the treatment of mediæval MSS.?

evident at once that the isolated and fragmentary membranes which formed the sole surviving contents of Nevill's *Testa* in the reign of Edward I. cannot be satisfactorily compared with the relatively complete returns preserved in the Red Book (p. ccxiv.).

It is evident that the editor has no conception how many and how long are the returns in the 'Testa' relating to this great Inquest.¹ This may be due to his conception that they are there headed "De Testa de Nevill" (p. ccxv.), an idea which he repeated in a lengthy communication to the 'Athenæum' (10th Sept., 1898) on the "Testa de Nevill." Mr. Hall wrote :

The really important point about the whole matter is one which seems to have been entirely overlooked, namely that not only does the title 'Testa de Nevill' refer to certain antique lists alone, which, indeed, form but a small percentage of the whole register, but that the greater part of the lists thus headed appear to have been made at a certain date in the fourteenth year of John . . . 'De Testa de Nevill' is the invariable heading of these lists (p. 354).

The very point of the matter is that, on the contrary, the greater portion of these lists have no such heading, but are hidden away among later returns, from which they can only be disentangled by careful and patient labour.² The result of my researches is that I believe the printed 'Testa' to contain no fewer than a hundred columns (amounting to nearly an eighth of its contents) representing returns to this Inquest. At the

¹ The 'Red Book' lists, though so inferior, are more in number than those in the 'Testa.'

² For instance, that which relates to Winchester (p. 236 a) would elude all but close investigation. It records *inter alia* the interesting gift, by Henry II., of land there "Wassall' cantatori." This would seem to be the earliest occurrence of the word "Wassail" (in a slightly corrupt form).

THERE WAS BUT ONE INQUEST

close of this paper I append a list of these columns, of which only thirty-eight are headed (or included in the portion headed) "De testa de Nevill."

To resume. For the great Inquest of 1212 (14 John) we have (1) mention in a chronicle, (2) the writ directing it to be made, (3) the record of a sworn verdict of jurors who made it. For the alleged Inquests of 1210-12 (12 and 13 John) we have nothing at all.¹ We have, further, the fact that, when collated, the returns said to belong to these "independent" Inquests are found to be clearly derived from a single original. In spite, therefore, of the 'Red Book' and its editor, it may safely be asserted that there was but one Inquest, that of the 14th year, the returns to which were handed in on 25th June (1212).

Thus "the remarkable circumstance," as Mr. Hall terms it (p. ccxxiii.), that the 'Testa' compilers know nothing of "the original returns of the 12th and 13th years," while, "on the other hand, the scribe of the 'Red Book' had not access to the returns of the 14th year," is at once accounted for: they both used the same returns, those of 1212.²

As my criticism has, at times, been deemed merely destructive, I may point out that, here at least, it has established the facts about an Inquest worthy to be named, in future, by historians in conjunction with

¹ Mr. Hall himself admits that their heading in the 'Red Book' "can be verified neither from the external evidence of Records, nor . . . on the authority of the original Returns, no single specimen of which is known to have been preserved" (pp. ccxxii.).

² It might be added that, as in 1166 and 27 Hen. III., the returns on such Inquests were made at one time, and did not extend (as the 'Red Book' date implies) over two or three years.

those of 1086 and 1166, while the rough list I shall append of its returns, as printed in the 'Testa,' will, one may hope, enable its evidence to be more generally used than it has been hitherto. The unfortunate description of the 'Testa,' on its title-page, as "*temp.* Henry III. and Edward I.," has greatly obscured its character and misled the ordinary searcher.

Historically speaking, this Inquest may be viewed from two standpoints. Politically, it illustrates John's exactions by its effort to revive rights of the Crown alleged to have lapsed.¹ Institutionally, it is of great interest, not only as an instance of "the sworn inquest" employed on a vast scale, but also for its contrast to the inquest of knights in 1166, and its points of resemblance to the Domesday inquest of 1086. Of far wider compass than the former—for it dealt in detail with the towns²—it was carried out on a totally different principle. Instead of each tenant-in-chief making his own return of his fees and sending it in

¹ This, as its grave and alarming feature, is the one selected for mention in the Waverley Annals.

² "Omnimodis tenementis infra burgum sive extra," ran the writ. The elaborate returns for Stamford and Wallingford in the 'Testa' illustrate this side of the Inquest. Reference should also be made to the interesting return for Yarmouth ('Testa,' p. 296):

"Nullum tenementum est in Jernemuth' quod antiquitus no' (*sic*) tenebatur de domino Rege aut de progenitoribus domini Regis, regibus Angl[iæ] quod sit datum vel alienatum aliquo modo quo minus de domino Rege teneatur in capite et illi quibus tenementa sunt data faciunt plenar[ie] servicium domino Regi de tenementis illis," etc.

The close concordance of this return with the king's writ ordering it (see p. 226) is remarkable.

IMPORTANCE OF THE INQUEST

separately, the sheriff conducted the enquiry, Hundred by Hundred, for the county; and out of these returns the feudal lists had to be subsequently constructed by the officials. Lincolnshire is not among the counties named by Mr. Hall for comparison, but it shows us well how the inquest was made Wapentake by Wapentake, and then the list of fees within the county extracted from the returns and grouped under Honours. This, I believe, is what was done in Middlesex also.¹ It is noteworthy that in the case of Middlesex the returns of 1212 were made the basis for collecting the aid "for the marriage of the king's sister,"² in 1235, the same personal names occurring in both lists. If, as this implies, they formed a definitive assessment, we obtain a striking explanation of the fact that 1212, as Mr. Hall observes, seems to mark a terminal break in Swereford's work (pp. lxii.-iii.). Personally, however, I am not sure that "the Scutages," as Mr. Hall asserts, "concluded abruptly" in 1212. My reckoning being different from his, I make the last scutage dealt with by Swereford to be that which is recorded on John's 13th year roll, that is, the roll of Michaelmas, 1211.

The following list represents an attempt to identify the returns to this great Inquest in the 'Testa,' and to give the relative abstracts in the 'Liber Rubeus.' Out of 39 English counties (then recognised), the 'Testa' seems to have returns or fragments for 25, and the 'Liber Rubeus' abstracts for 31.

NOTTS AND DERBYSHIRE.

Testa, pp. 17*b*-19*a*.

Liber Rubeus, p. 565.

¹ See p. 265 above.

² Testa de Nevill, p. 361.

THE GREAT INQUEST OF SERVICE, 1212

NORTHAMPTONSHIRE.

Testa, p. 36. Liber Rubeus, p. 532.

WORCESTERSHIRE.

Testa, pp. 43-4. Liber Rubeus, p. 566.

SALOP AND STAFFORDSHIRE.

Testa, pp. 54-6. Liber Rubeus,¹ p. 509.

HEREFORDSHIRE.

Testa, pp. 69*b*-70*b*. Liber Rubeus, p. 495.

GLOUCESTERSHIRE.

Testa, pp. 77*a*.

OXFORDSHIRE AND BERKSHIRE.

Testa, pp. 115,² 128*a*-129*a*,³ 129*a*-131*b*,⁴ 133*b*-134*b*.⁵

SOMERSET AND DORSET.

Testa, pp. 160*b*-166*a*. Liber Rubeus, p. 544.

DEVON.

Testa, pp. 194-195.

SURREY.

Testa, pp. 224*b*-226*a*. Liber Rubeus, p. 560.

SUSSEX.

Testa, pp. 226*b*⁶-227*b*. Liber Rubeus, p. 553.

HANTS.

Testa, pp. 236*a*,⁷ 239*b*.⁸

ESSEX AND HERTS.

Testa, pp. 269*b*⁹-271*a*.¹⁰ Liber Rubeus, p. 498.

¹ Salop only.

² Honour of Wallingford.

³ Begins with twelfth entry on page 128*a*, though there is no break there in printed text; the 'Liber Rubeus' (p. 513) has entries for Berkshire.

⁴ Borough of Wallingford.

⁵ Including town of Oxford.

⁶ The Chichester Inquest at least.

⁷ 15 entries.

⁸ Hyde Abbey.

⁹ Beginning at "Abbas de Sancto Walerico."

¹⁰ Ending with entry for 'Uggel.' A special Inquest for Writtle is comprised.

THE RETURNS IDENTIFIED

NORFOLK AND SUFFOLK.

Testa, pp. 293*a*–296*a*. Liber Rubeus, p. 475.

LINCOLNSHIRE.

Testa, pp. 334*b*¹–348*a*.² Liber Rubeus, p. 514.

MIDDLESEX.

Testa, p. 361. Liber Rubeus, p. 541.

CUMBERLAND.

Testa, pp. 379*a*³–380*a*. Liber Rubeus, p. 493.

NORTHUMBERLAND.

Testa, pp. 392*a*–393*b*.⁴ Liber Rubeus, pp. 562–4.

LANCASHIRE.

Testa, p. 401*b*–408*a*. Cf. Liber Rubeus, p. 568.

The above list can only be tentative, and does not profess to be exhaustive. It is believed, however, that genealogists and topographers will find it of considerable assistance.

¹ Beginning with “Candeleshou Wap'n’.”

² Including a special Inquest for Stamford.

³ Beginning at “Carissimis.”

⁴ Ending with an Inquest for Newcastle-on-Tyne.

XIII

Castle-ward and Cornage

I PROPOSE to deal in this chapter with two subjects which are wholly distinct, but which it has now been proposed, by a singular confusion, to connect. Speaking of certain miscellaneous returns in the 'Red Book of the Exchequer,' Mr. Hall writes :

The first group in importance comprises the so-called 'Castle-guard Rents,' lists of military services in connection with the Constableness of Dover Castle . . . the Constableness of Windsor Castle, the Wardship of Bamburgh Castle, and the Cornage Rents of Northumberland (p. ccxxvi.).

The corrupt but curious list of the Dover "wards" and their fees is printed virtually in duplicate on pages 613, 717, though dated by the editor in the former instance '1211-12' throughout, and in the latter, '1261-2,' and even '*Temp.* Edw. I.' (pp. 721-2). The first of these, from internal evidence, is probably the right date; the remaining list (pp. 706 *et seq.*), though headed in the MS. 46 Hen. III., is merely this old list rearranged, with a money payment substituted for the military service. I mention this because, as printed, these lists are most misleading to any one unacquainted with their real date.

The 'Constable's Honour,' for which, alone, we have six or seven slightly varying returns, is one of the

THE DOVER CASTLE WARDS

most interesting in the whole Book, and leads me to say something on this important subject, on which a wholly erroneous belief has hitherto prevailed.

The first point to which I desire to direct attention is that the nine wards (*custodiæ*), named in the 'Red Book' lists—The Constable's, 'Abrincis,' Foubert de Dover,¹ Arsic, Peverel, Maminot, Port, Crevequer, and Adam Fitz William²—are all reproduced in the names still attached to towers, including even Fulbert's Christian name. This coincidence of testimony leads one to believe that these names must have become fixed at a very early period, and to enquire what that period was. Looking at the history of the families named, it seems probable that this period was not later, at least, than the reign of Henry II.

But it is in the Constable's "Ward" that the interest centres. For the time-honoured belief, preserved by Lyon, and reproduced by Mr. Clark, is that "three barons of the house of Fiennes held the office under the Conqueror, Rufus, and Henry I." After stating that these barons "held the office of constable" under Henry II., Mr. Clark informs us that "of these lords, the last, James Fiennes, was constable at the accession of Richard I., and in 1191 received, as a prisoner in the castle, Geoffrey, Henry II.'s natural son."³ Professor Burrows repeats, though guardedly, the old story :

¹ Rightly given as "Fouberd" on p. 708 ; wrongly as "Roberti " on pp. 616, 719. Mr. Hall has failed to observe that Robert is an error, and one which throws some light on the MS.

² The order is not quite the same in the first of these three lists.

³ *Mediæval Military Architecture* (1884), ii. 10.

CASTLE-WARD AND CORNAGE

William (I.) is now said to have conferred the guardianship of the coast, as an hereditary fief on a certain John de Fiennes, whose name, however, does not appear in any contemporary record. John was to do service for his lands as Constable of the Castle and Warden of the Ports. . . . The office of Constable and Warden ceased to be hereditary in the reign of Richard I.¹

Mr. Hall has now revived the old legend in full :

In the valuable register formerly belonging to the Priory of Merton . . . a similar but shorter list is found, with an interesting description of these services, which will be presently referred to (p. ccxxxvii.).

The constitutional significance of the tenure itself has not been perfectly realised. The Merton Register mentioned above informs us, under the heading "De Wardis Castri Dovoræ," that the Conqueror granted the constableness of the castle there to the Lord of Fienes, with the service of fifty-six knights, who kept guard each month in turn, some four or five at once. Besides these, other knights were assigned to that constableness, for so many weeks in the year, by the neighbouring Lords of Chilham and Folkestone, and other barons mentioned in the later returns. Thus the Castle-ward was performed down to the reign of John, when it was thought advisable that such an important fortress should be committed to the keeping of a royal constable and a permanent garrison. . . . Hubert de Burgh was appointed constable during pleasure, and the office has continued to the present day in the patronage of the Crown (p. ccxxxviii.).

[NOTE.] William de Fesnes, the last baronial Constable, appears to have received the honour of Wendover by way of compensation ('Testa,' ii. 158).

Now, how much truth is there in this story? Fifty-six knights, we see, are assigned to John de Fienes, as first Constable, and fifty-six knights' fees (plus or minus $\frac{1}{10}$ fee) are assigned in the 'Liber Rubeus' to the "Warda Constabularii." But the history of these fees, the "Honor Constabularii," can be traced with

¹ Cinque Ports (1888), p. 66.

absolute certainty. They are those which had last been held by Henry de Essex, "the Constable," whose tragic fate is familiar, which had been previously held by Robert de Ver "the Constable," in right of his wife, a Montfort, and the possession of which can be traced back by Domesday to no other than Hugh de Montfort.¹ We learn then that "the Honour of the Constable" (which we should not otherwise have known) was connected with the custody of Dover Castle, the "clavis et repagulum Angliæ"; and we learn more. For when we turn to the story of the attack on Dover Castle in 1067, we find Hugh de Montfort "the immediate commander of the castle";² and are thus able to trace the "Warda Constabularii" back to the Conquest itself.

Thus the legend of John de Fiennes and his heirs, constables of the castle, together with its "constitutional significance," is blown, as it were, into space, and should never, henceforth, be heard.

The "Honour of the Constable" passed to the Crown on the forfeiture of Henry of Essex (1163); and as for the alleged action of "James Fienes" as constable in 1191, it is well known that the constable at the time was a brother-in-law of Longchamp, the king's representative. I have suggested in a paper on "Faramus of Boulogne"³ a possible origin for the Fiennes story in the castle being held by Faramus at the close of Stephen's reign, a fact which may account for the late tradition about "quodam comite Boloniæ

¹ Compare 'Geoffrey de Mandeville,' pp. 326-7.

² Freeman's 'Norman Conquest,' following William of Poitiers.

³ Genealogist, N. S., xii. 147.

CASTLE-WARD AND CORNAGE

qui erat ejusdem Castri Constabularius.”¹ For the Fienes family were his heirs, through his daughter; and it was through him, and not on the ground suggested by Mr. Hall, that they obtained Wendover. To Faramus himself, however, it may have been given in compensation.

Thus far I have been dealing with a question of castle-ward. I now pass to the ‘cornage rents’ and to the new theory of their origin. This theory is one of the features of Mr. Hall’s Introduction, in which he devotes to it ten pages; and it follows immediately on his remarks upon “the constableness of Dover.”

As difficult a subject as ‘Scutage,’ and one on which less has been written, the origin and character of “cornage” are problems as yet unsolved. The brilliant pen of Professor Maitland has attacked them in a paper on “Northumbrian tenures”;² but he cannot tell us more, virtually, than we know already, namely, that the term points to cattle, and is not derived, as Littleton in his ‘Tenures’ and the older antiquaries held, from the service of blowing a horn.

Mr. Hall, however, “hazards” the new and startling theory that the payment known by this name represents a commutation of castle-ward previously due from the drengs and thegns of the Northern marches. For this, it would seem, his only ground is the entry in the ‘Red Book’ of a list of Northumbrian cornage payments in close proximity to lists of castle-ward services. On this slender foundation is built an edifice

¹ Lib. Rub., p. ccxl.

² English Historical Review, Oct., 1890 (v. 626-7).

ORIGIN OF 'CORNAGE' RENTS

of guesses, such as distinguishes this strange work from any other in the Rolls Series. They are prefaced, in their order, as usual, thus :

if we might venture to disregard . . . we may suspect that . . . the impression remains that . . . May we not then conjecture that . . . it will now be possible to hazard some theory . . . It is at least conceivable that . . . will perhaps suggest the theory, etc., etc. . . . (pp. ccxlii.-ccxlviii.).

Rejecting "the accepted definition of cornage as a mere seignorial due in respect of the pasturage of cattle," Mr. Hall explains that it rests on "a radical misconception," namely, on "the argument that the references to military service performed by" the Cumberland cornage "tenants are later interpolations in the reign of Edward I.," whereas, as he observes, they are mentioned in a list of about the end of John's reign. The criticism is curiously characteristic. For, on turning to Professor Maitland's paper (p. 629), we find not a hint of "interpolation"; he has merely—misled, no doubt, by the title page of the printed 'Testa'—mistaken a list of John's reign for one of "Edward I.'s time." And, so far from assigning to that period the first mention of this service, he refers us, in the same passage, to its mention in 1238, when, as he actually observes, it "looks like an ancient trait." The misconception, therefore, is not his, but Mr. Hall's.

In the manuscript itself we find the ward service of Newcastle and the details of the Northumberland cornage occupying a single page (fo. 195 *d*). But this circumstance, for which I shall account fully below, in no way connects the two. On the contrary, we find eleven territorial units here entered as paying "corn-

age" in addition to their payments for castle-ward. The two payments, it will be observed, could not both be commutations of the same thing.¹ It is quite clear that, in Cumberland, all who held "per cornagium" were bound, apart from the payment of that due, to march respectively in the van and in the rear when the king was invading or retreating from Scotland, a duty for which they were, obviously, qualified by their local knowledge; but this had absolutely nothing to do with castle-ward, nor is even this special service mentioned in the case of Northumberland. Cornage, from the time we first meet with it, appears in our records as a money payment, not as a military service, and even Mr. Hall admits that the name is derived from horned beasts, unlike the 'ward penny' of the south, in which he would seek its parallel, and of which the name leaves us in no doubt as to its nature. The institution of cornage, therefore, is, we shall find, as obscure as ever, although there is some evidence, unknown, it seems, to Professor Maitland as it is to Mr. Hall. Its historical importance is beyond question.

Of the cornage of Northumberland, as recorded in the 'Red Book,' the editor writes that "it is of the highest importance to trace its earlier history in the records of the Exchequer." It can, as he says, be traced back to 1164; but I cannot accept his suggestion as to why it then made its appearance. One must

¹ Forty years ago an able northern antiquary, Mr. Hodgson Hinde, who was well acquainted with early records, and knew these entries in the 'Red Book,' devoted sections of his work (Hodgson's 'Northumberland,' part i., pp. 258-261, 261-263) to "cornage" and to "castle-ward," but was careful not to confuse them.

THE NORTHUMBERLAND CORNAGE

turn, for comparison, to that of Cumberland, concerning which we read as follows :

In each succeeding year-roll, from the beginning of the reign of Henry II., the sheriff of Cumberland had rendered his account for the Neatgild of the county. The amount of this tribute was fixed at £80. . . . But we have no means of showing how the £80 was made up, because the sheriff answered for it in a lump sum, and no particulars of his account have survived as in the case of the Northumberland list happily preserved in the Red Book.

But this Neatgild (or cornage) can be traced back much further, namely, to the year-roll of 1130, and even earlier. It was £85 8s. 8d. under Henry I., and over £80 under Henry II.; and details of sums paid in respect of it are duly found, not only in the 'Red Book' (pp. 493-4),¹ but also in the 'Testa de Nevill.' Moreover, the cornage of Northumberland as well was answered for "in a lump sum," and this leads me to explain the entry of the Northumbrian lists. Mr. Hall has failed to observe that his manuscript adds up the cornage wrongly, and is even guilty of a further error in asserting that this erroneous total is "xxii den. plus quam alii solebant respondere," its real excess being £1 1s. 10d.² Apart from its obvious bearing on the character and value of the manuscript, this error has misled the editor into stating that the sums entered,

¹ From which they were printed by Hodgson Hinde in his preface to the Cumberland Pipe Rolls.

² The 'Red Book' (p. 714) reads: "Summa xviiij l. iiii s. vj d., videlicet, xxij d. plus quam alii solebant respondere." But I make the real total of its items, not £18 4s. 6d., but £18 6s. 6d. The two pardons, amounting to £2 17s. 4d., brought up the total to £21 3s. 10d., but, owing to the above wrong 'summa,' the scribe made it only £21 1s. 10d. He then further omitted the odd pound, and so obtained his "xxij d."

CASTLE-WARD AND CORNAGE

"less the pardons of the Prior of Tynemouth and the King of Scots, make up the charge of £20 for the county." On the contrary, the grand total is £21 3s. 10d., although the sheriffs were only liable for the "lump sum" of £20. Why is this? It is because Robert "de Insula," to whom we owe the list, held the shire "ut custos." This most important Exchequer phrase, which the editor must have overlooked on the roll, can be traced back, at least, as far as 1130. It means that the Crown had put its own man in office, and was thus able to get at the details of the payment, for which the normal sheriff was only liable in a "lump sum." This is why the opportunity was taken to set these details on record. This explanation applies also to the details of Newcastle ward service immediately preceding the cornage payments. The editor might have learnt from the Pipe Rolls that the sheriff was normally charged, in respect of this payment, with £32 4s. 5d. gross, and £28 14s. 5d. net, which latter sum he was entitled to retain for his wardenship of the castle. But Robert, as "custos," recorded the receipts as amounting to £33, and was consequently called upon in 1267 to account for £4 5s. 7d. (the difference between £33 and £28 14s. 5d.) "*de cremento wardarum Novi Castri de anno xlix° sicut recepit.*" The entry, therefore, of both lists can be traced to Robert's position "ut custos" in 49 Hen. III. Lastly, the statement that "the cornage of Westmoreland can also be traced on the rolls, but it was of very trifling value," seems unfortunate in view of the fact that it was, when it first appears, nearly thrice as large as the whole cornage of Northumberland.

CORNAGE PAID IN COWS

That I may not close with a negative result, I append two remarkable charters from the MS. cartulary of St. Bees, which show us the Cumbrian Noutegeld being actually paid in cows to William earl of Albemarle, as lord of Coupland, which barony was exempt from its payment to the Crown.¹

Willelmus comes Albemarle archiepiscopo Ebor[acensi] et capitulo et omnibus matricis ecclesie filiis salutem. Noverit paternitas vestra me dedisse et concessisse deo et sancte Marie et sancte Bege in Copelandia et omnibus (*sic*) vi vaccas in perpetuam elemosinam reddendas anno omni quo meum Noutegeld debuerit fieri. Hanc autem donacionem feci pro animabus omnium antecessorum meorum et antecessorum uxoris mee Cecilie. Testibus, etc. . . .

Willelmus comes Albemarle omnibus hominibus suis tam futuris quam presentibus salutem. Sciatis quod dedi et presenti carta confirmavi Deo et sancte Marie et sancte Bege et monachis de sancta Bega vi vaccas de meo Nautegeld (*sic*) unoquoque anno, quando accipio Nautegeld in Copuland, etc.² . . .

Now it is a most interesting fact that in Durham also we find, as in Coupland, a payment in cows ("vaccas de metride") made by townships in connection with their payment of "cornage."³ From the above important charters, it would seem that the two dues

¹ These charters were unknown to Mr. Hodgson Hinde ('The Pipe Rolls . . . for Cumberland, Westmoreland, and Durham,' 1857), p. xxvii. In addition to the section on "the Noutgeld or Cornage Rent" in this work (pp. xxvii.-xxix.), cornage is dealt with *ut supra* in Hodgson's 'Northumberland,' part i. pp. 258 *et seq.*, and in 'The Boldon Buke' (1852), pp. lv.-lvi. There is also printed in Brand's 'Newcastle' a valuable detailed list of the cornage rents payable to the Prior of Tynemouth, which greatly exceeded his "pardoned" quota.

² Harl. MS. 434, fo. 18.

³ 'Boldon Buke' (Surtees Soc.), *passim*.

CASTLE-WARD AND CORNAGE

went together. In Durham there is a classical passage for the "cornage" proper, quoted by those who have dealt with "cornage," but not by Mr. Hall. In a charter of Henry I., which I assign to .1128-9, he speaks of "cornagium de Bortona . . . *scilicet de unoquoque animali ij d.*¹ This is precisely the source of "cornage" which Mr. Hall desires to "disregard." And if further proof were needed of the non-identity of "cornage" with castle-ward, it is found in the fact that, as in Northumberland, both dues existed simultaneously in Durham, vills which paid cornage being also liable to provide men for castle-ward ("castle-manni").²

¹ 'Durham Feodarium' (Surtees Soc.), p. 145.

² 'Boldon Buke' (Surtees Soc.), pp. 36-7.

XIV

Bannockburn

AS Sir Henry Howorth has so truly observed, in a presidential address to the members of the Archæological Institute, the transition from the chronicle to the record as a source of mediæval history is one of the most striking and hopeful features in recent historical research. And in no respect, perhaps, has the study of original records modified more profoundly the statements of mediæval chroniclers than in the matter of the figures they contain. Dealing with the introduction of knight-service into England, I was led to give some instances in point,¹ and specially to urge that "sixty thousand" occurs repeatedly as a conventional number ludicrously remote from the truth. It is now, I believe, generally accepted that my estimate of about five thousand for the number of knights' fees in England² is nearer the truth than the "sixty thousand" which, in his *History*, Mr. Green accepted. But we still read in 'Social England' (i. 373) that William I. "is believed to have landed . . . with at least 60,000 men"; nor did Mr. Freeman himself

¹ Feudal England, pp. 289-293.

² Even Mr. Oman, though most reluctant to adopt any conclusion of mine, appears, in his 'History of the Art of War' (1898), to admit that I am right in this. Sir James Ramsay also adopts my conclusion in his 'Foundations of England' (1898), ii. 132.

reject the statement of Orderic that "sixty thousand" men were gathered on Salisbury Plain for the "Mickle Gemót" of August 1, 1086. We who saw, only last summer, the difficulty of there assembling a force scarcely so large, even with all the modern facilities of transport and organization, can realize, more forcibly than ever, the incredibility of the fact.

"Stephen Segrave," Dr. Stubbs reminds us, "the minister of Henry III., reckoned 32,000 as the number" of knights' fees; and even so late as 1371, ministers allowed a parliamentary grant to be calculated on the belief that there were 40,000 parishes in England, when there were, as a fact, less than 9,000.¹ So too, as is well known, Fitz Ralph, archbishop of Armagh, declared at Avignon, that at Oxford, in his early days, there were 30,000 students, although it is probable that they cannot have exceeded 3,000 in number.² It is even said that Wycliffe doubled Fitz Ralph's estimate.

There is nothing, therefore, strange in the fact that two centuries and a half after the Norman Conquest, we still find absurd numbers assigned to armies in the field and accepted with thoughtless readiness, even by modern historians. This, we shall see, has been the case, among many other battles, with that of Bannockburn (1314).

The ultimate "authority" for the numbers engaged at this ever memorable fight is Barbour's *Brus*. Of Edward that romancer wrote :

¹ Stubbs' 'Const. Hist.,' ii. 422, 433.

² Maxwell Lyte's 'History of the University of Oxford' (1886), pp. 93-96.

THE NUMBERS PRESENT

He had of fechtaris with hym tha
Ane hundreth thousand men and ma
And fourty thousand war of tha
Armyt on hors, bath hede and hand
And zeit of thai war thre thousand
With helit hors in-till playn male
Till mak the front of the battale
And fifty thousand of archerys
He had, forouten the hoblerys;
With men on fut and small rangale.

In accordance with this statement we read further of the king, that

His folk he delt in battalis ten
In ilkane war weill ten thousand.

Of the Scots we are told that :

Of fectand men I trow thai ware
Thretty thousand, and sum deill mare

Weill thretty thousand men and ma
Mak we four battalis of all thai.

The quethir thai war thretty thousand.

On the English side we have a statement in the 'Vita Edwardi Secundi.' It is there asserted, of the host marching on Stirling, that

*Erant autem armatorum amplius quam duo milia, excepta peditum turba copiosa.*¹

The same authority states that Bruce

*Circiter quadraginta milia hominum secum produxit. . . . Ibant etiam quasi sepes densa conserti, nec leviter potuit talis turba penetrari.*²

¹ Annals of Edward I. and Edward II. (Rolls Series), ii. 201.

² Ibid. p. 203. It will be observed that this description of the Scots—"quasi sepes densa"—is an admirable parallel to the metaphor—"quasi castellum"—which Henry of Huntingdon applies to

Let us now see how modern writers have dealt with the numbers present, remembering that the character and issue of the battle turn largely on the vast numbers assigned to the English host.

In the 'Dictionary of National Biography' (1886) Dr. Æneas Mackay adopts the traditional view of the English numbers, following Barbour, indeed, blindly :

On 11 June the whole available forces of England, with a contingent from Ireland, numbering in all about 100,000 men, of whom 50,000 were archers, and 40,000 cavalry, were mustered at Berwick.¹

A far abler and more cautious writer, Mr. Joseph Bain, F.S.A. Scot., in his 'Calendar of Documents relating to Scotland' (1887), reckoned that "the whole English army probably did not exceed 50,000."² Against Hailes on the Scottish side, he supports Hume, who, he writes :

founded on the writs enrolled in the *Foedera*, addressed to the sheriffs of twelve English counties, two earls, and five barons for the foot, who numbered in all 21,540. This is undoubtedly good authority, for . . . the Patent Rolls of the time are not defective. Contingents from all the English shires were not invariably summoned. In the writs in question the men of the northern and midland counties, which incurred most danger from the Scots, were summoned (p. xx.).

From Mr. Bain I turn to our latest authority, Mr. Oman's 'History of the Art of War.'

the English "acies" at the Battle of Hastings, and which Mr. Freeman so deplorably misunderstood ('Feudal England,' p. 343-4). So, too, Adam de Murimuth speaks of the French fleet at the Battle of Sluys (1340) as "quasi castrorum acies (or aciem) ordinatum" (p. 106). Such metaphors, I have shown, were common.

¹ Vol. vii. p. 122.

² Vol. iii. p. xxi.

THE ENGLISH FOOT

To the memorable Scottish victory Mr. Oman, as we might expect, devotes special attention (pp. 570–579). He attributes “the most lamentable defeat which an English army ever suffered” to two fatal errors, of which one “was the crowding such a vast army on to a front of no more than two thousand yards” (p. 579). His argument, in detail, is this:

Two thousand yards of frontage only affords comfortable space for 1,500 horsemen or 3,000 foot-soldiers abreast. This was well enough for the main line of the Scottish host, formed in three battles of perhaps 25,000 men in all, *i.e.* eight or nine deep in continuous line. But, allowing for the greater space required for the cavalry, the English were far too many for such a front, with the ten thousand horse and 50,000 or 60,000 foot which they may have mustered.

The result of this fact was that from the very beginning of the battle the English were crowded and crushed together and wholly unable to manœuvre (p. 575).

In his first work (1885) Mr. Oman had adopted “100,000 men” as the number of Edward’s host; in 1895 it had become “an army that is rated at nearly 100,000 men by the chronicler.”¹ In 1898 we learn that “the estimate of a hundred thousand men, which the Scottish chroniclers give, is no doubt exaggerated, but that the force was very large is shown by the genuine details which have come down to us” (p. 573). These “genuine details” prove to be the figures in the ‘Foedera,’ on which Mr. Bain relied. Mr. Oman arrives at his figures thus:

Edward II. had brought a vast host with him. . . . There have been preserved of the orders which Edward sent out for the raising of this army only those addressed to the sheriffs of twelve English counties, seven Marcher barons, and the Justices of North and South Wales. Yet these account for twenty-one thousand five

¹ History of England, p. 174.

BANNOCKBURN

hundred men, though they do not include the figures of any of the more populous shires, such as Norfolk, Suffolk, Kent, or Middlesex. The whole must have amounted to more than 50,000 men (p. 573).

To the numbers of Edward's host he attaches so great an importance that he gives the details, from Rymer, in a note. I make the total, myself, to be 21,540.¹ It is Mr. Oman's extraordinary delusion that the other English counties were similarly called on for troops, but that the orders have not been "preserved." On the strength of this illusion alone he adds some 30,000 men to the English host! A glance at Rymer's list, as given in his own pages, is sufficient to dispel that illusion. As Mr. Bain correctly implies, the counties called on for troops form a compact group, of which Warwick was the southernmost. Moreover, even within that group, the southern counties were evidently called on for much less than the northernmost, Warwick and Leicester only sending 500 men, while Northumberland and Durham were called on to supply 4,000, as was also Yorkshire. We have only to turn to the '*Rotuli Scotiæ*'² for 1314 to learn that the writs originally issued (*i.e.* in March) for the Bannockburn campaign summoned no more than 6,500 men, and these from the counties "beyond Trent" alone.³ As the peril increased subsequent writs called for a further 6,000 men from these counties, and extended the net so as to obtain 3,000 from Lincolnshire, 500 from Warwickshire and Leicester-

¹ Mr. Oman reckons the men of the "Marcher Lords" at 1,850. I make them 2,040.

² Ed. Record Commission.

³ Except a special body of 100 men from the Forest of Dean whence the necessary miners were always obtained.

SYSTEM OF THE LEVIES

shire, and 500 from Lancashire (previously omitted); this, with 4,940 men from Wales and its marches, made up the total.

When Edward III. arrayed his host, twenty-five years later, for the French war, he only asked for 500 foot from Northumberland (as against 2,500), and 1,000 from Yorkshire, but from Warwickshire with Leicestershire he exacted 480. These figures speak for themselves. Any one of ordinary intelligence can see that the forces on these two occasions were raised on entirely different principles, Northumberland being called on for five times as many men in 1314 as in 1339, while Warwickshire and Leicester supplied almost as many in the latter as in the former year. And yet Mr. Oman actually makes the comparison himself (p. 593), and prints the numbers in detail for both occasions without any comprehension that this was so. Indeed, he bases on his misapprehension a theory that as, at the later date (1339), the quotas were never more than a third of those demanded for Bannockburn (1314), a comparatively picked force was secured.

We note that the Commissions of Array in the latter year were directed to levy only from about one-third to one-fifth of the numbers which the sheriffs had been told to provide in the former year. They were, of course, individually better in proportion to the greater care which could be taken in selecting them.¹

We have seen that, on the contrary, in Warwickshire and Leicestershire, the number summoned was almost the same, and that the above theory is, therefore, another delusion. In 1339 the proportion varied

¹ History of the Art of War, pp. 593-4.

from 20 per cent. to 96 per cent. of the numbers summoned in 1314, and did so, as we have seen, on a geographical system. Mr. Oman bases his above assertion on a note in which four lines contain four direct mistakes. It asserts that Yorkshire sent "six thousand," Lincolnshire "four thousand," Warwick "five hundred," and Leicester "five hundred," in 1314, when the right numbers, as given by himself on page 573 of the same volume, were : Yorkshire *four* thousand, Lincolnshire *three* thousand, and Warwick and Leicester *together* five hundred. The result of this astounding inaccuracy is that he fails to understand the system of these levies in the least.

It is, no doubt, surprising that, after years of study, a writer should produce a work intended to constitute a standard authority on mediæval warfare, in which he has not even grasped so elementary a fact as the raising of English armies, in the 14th century, on geographical principles, and should consequently invent an imaginary host of nearly 30,000 men. Precisely as in 1314, the bulk of the foot for the Scottish expedition were raised from the Northern counties, so in 1345, for the contemplated French expedition, it was from the counties south of the Trent that the infantry (archers) was raised.¹ But it is even more surprising that he should substitute for this system a theory, based on the misquotation of his own figures alone, that, in 1339, we meet with a new system of summoning a comparatively small quota of picked men. It is but a further instance of his grievous lack of accuracy that

¹ "Commissioners of Array for all counties citra Trent" (Wrottesley's 'Creçy and Calais,' p. 8 ; cf. Ibid. pp. 58-61).

THE NUMBERS EXAGGERATED

on page 599 he renders the "homines armati"¹ summoned from the towns as "seventeen hundred archers," although he prints from Rymer, a few pages earlier, the numbers of the foot summoned in 1339, of whom half are distinguished as archers and half as "armati."

One would have imagined that the fact of the host being drawn from the northern half of England alone would have been obvious from the dates. The orders from which Mr. Oman takes the numbers demanded were only issued from Newminster on May 27,² and ordered a rendezvous of the force at Wark (Northumberland) on June 10. The troops were to be there on that day "armis competentibus bene muniti, ac prompti et parati ad proficiscendum" to the immediate relief of Stirling. The time was desperately short, and haste was enjoined ("exasperes, festines"). Moreover, the English leaders were clearly not such fools as Mr. Oman imagines. The "orders" state that foot are wanted because the Scots

nituntur, quantum possint, . . . in locis fortibus et morosis (ubi equitibus difficilis patebit accessus) adinvicem congregare.

Common sense tells one that 60,000 foot could not be manœuvred in such country, and would only prove an encumbrance. Edward, therefore, only summoned less than 22,000. As to his horse, Mr. Oman writes: if the English "had, as is said, three thousand *equites coperti*, men-at-arms on barded horses, the whole cavalry was probably ten thousand" (p. 575). But

¹ Ibid. pp. 67-8.

² Rotuli Scotiæ, i. p. 127.

why? At Falkirk, sixteen years before, Edward I., he writes (p. 565), had

the whole feudal levy of England at his back. He brought three thousand knights on barded horses, and four thousand other men-at-arms.

If 3,000 "barded horses" implied 4,000 other horsemen in 1298, why should they imply 7,000 in 1314? More especially, why should they do so when, as we have seen, the king, in summoning his foot forces, himself described the scene of the campaign as "*ubi equitibus difficilis patebit accessus*," so that he was most unlikely to take a large force of cavalry? ¹ Estimating the horse on the Falkirk basis, the English host cannot have amounted to more than 30,000 men instead of the 60,000 or 70,000, horse and foot, at which Mr. Oman reckons it. ²

And what of the Scotch? Let us compare these passages :

The front between the wood and the marsh was not much more than a mile broad, a space not too great to be defended by the *forty* ³ thousand men whom Bruce had brought together (p. 571).

There was only something slightly more than a mile of slope between the wood and the marshes . . . This was well enough for the main line of the Scottish host, formed in three lines of perhaps *twenty-five* ³ thousand men in all (p. 575).

It is true that the Scottish king had a fourth battle in reserve, but, according to Mr. Oman's plan, it was

¹ Since this was written Mr. Morris has independently observed that 40,000 or even 10,000 horse are impossible ('Eng. Hist. Rev.', xiv. 133).

² I omit, as he does, in this reckoning, any contingents from elsewhere.

³ The italics are mine.

DISPOSITION OF THE HOSTS

no larger than the others, if so large. It would only, therefore, add some 8,000 men to the above 25,000. Where then are the 40,000?

From the numbers of the forces I now pass to their disposition on the field. With each of his successive narratives of the battle Mr. Oman has given us a special—and different—ground plan. In all three of these the English ‘battles’ are shown as composed of horse and foot,—the horse in the front of each, the foot behind. But in the earliest of these (1885) *three* such ‘battles’ are shown, in the second (1895) *five*, and in the third (1898) *ten*.¹ Will the number increase indefinitely? Again, as to the famous “pottes,” dug as traps for the English horse. In the earliest narrative these are described as covering the Scottish flank “to the left,” and in the second, as dug by the Scots “on their flanks,” though in both the ground plans they are shown in a cluster on the left flank alone. When we turn, however, to the latest account (1898), we find them shown, no longer on the flanks, but as a single line along the Scottish front, and described as dug by Bruce “in front of his line,” so that they “practically covered the whole assailable front of the Scottish host” (p. 572).

Lastly, on that all-important point, the disposition of the English archers, we are shown in the first ground plan the “English archers considerably in

¹ “The host was told off into ten battles, probably (like the French at Crécy) in three lines of three battles each, with the tenth as a reserve under the king” (p. 574). But in the earlier plans the English battles are shown in *single* line, and in the earliest, at least, with a widely extended front.

advance of the main body," and, indeed, almost all on the Scottish side of the burn. In his second they are still in front of the host, but no longer across the burn. In his third there are no "archers" shown, and the English 'battles' themselves are depicted as close up to the burn. But to realize the completeness of the contradiction, one must place side by side these two passages:

His [Edward II.'s] most fatal mistake, however, was to place all his archers *in the front line*,¹ without any protecting body of horsemen ('Art of War in the Middle Ages,' p. 101).

The worst point of all was that in each corps the archers had been placed *behind*¹ the horsemen . . . condemned from the first to almost entire uselessness ('History of the Art of War,' p. 575).

Poor Edward! He is first made to place his archers in front of his horsemen, and blamed for his folly in doing so; and then he is made to place them behind, and again blamed for his folly.

It is the same with the battle of Créçy (1346). Let any one compare the four narratives given in succession by Mr. Oman,² together with the three ground plans, and he will be fairly bewildered. The only thing of which we can be sure is that when Mr. Oman has adopted a view, he will himself afterwards abandon it. It is the same, again, with the numbers also. Mr. Oman, in his second narrative (as apparently in his first), reckons the English host at some 9,300 men (6,000 archers, 2,300 men-at-arms, 1,000 Welsh). In

¹ The italics are mine.

² Art of War in Middle Ages, 104; Social England, ii. 174-176; History of England, pp. 187-8; History of the Art of War, pp. 604-615.

his fourth they exceed 20,000 (11,000 archers, 3,900 men-at-arms, 5,000 or 5,500 Welsh).

Need I pursue further this endless contradiction? It has been my object to warn the reader of Mr. Oman's works on the Art of War to compare his successive views before adopting a single one of them. Whether on the field of Bannockburn or of Hastings we need a guide who knows, at least, his own mind, and whose "cocksureness" is not proportionate to the mutability of his views.

XV

The Marshalship of England

IN his valuable essay on a document of which the origin has long been discussed, the 'Modus tenendi Parliamentum,'¹ M. Bémont has drawn attention to the close association of this treatise, in the MSS. which contain it, with the coronation of Richard II. and with a treatise on the Marshal's office. So close, indeed, is this association that

Coke affirme avoir vu de ce traité [the *Modus*] un exemplaire "écrit au temps de Henri II. qui contient la manière, la forme et l'usage de Gilbert de Scrogele, maréchal d'Angleterre, et qui indique comment il s'acquittait alors de son office."

M. Bémont explains that Coke confused the 'Modus' with the treatise on the Marshal's office, but this is not, we shall find, quite the right explanation; nor is it the case that the Gilbert in question "vivait au temps de Richard II., non de Henri II." As Coke's error as to Gilbert has been very widely followed, it may be well to dispose of it once for all by tracing it to the source of his error.

We must turn for this to two MSS., the Cottonian Nero D. vi., and the MS. lat. 6,049 in the Bibliothèque Nationale (from which is taken Hardy's, and consequently Dr. Stubbs', text of the 'Modus.' Although

¹ *Mélanges Julien Havet*: La date de la composition du 'Modus tenendi Parliamentum in Anglia' (1895).

M. Bémont has given us a brief analysis of both, he seems not to have observed that, for all purposes, they are duplicates, giving the same documents, as they do, in the same order. Now, the very fine Cottonian MS., which is of the time of Richard II., contains the claims to do service at his coronation (1377) as made before John of Gaunt sitting as High Steward.¹ Among them was that of Margaret, daughter and heiress of Thomas "of Brotherton," marshal of England, who claimed to discharge that office by her deputy. I have italicised the important words :

Item quoad officium marescalli Anglie Margareta Marschall Comitissa Norff' porrexit petitionem suam coram prefato Domino Senescallo in hec verba "A tres honure seigneur le Roy de Castille et de Leon, Duc de Lancastre, et Seneschall' Dengleterre supplie Margarete file et heir Thomas Brotherton' nadgaires Conte de Norff' et mareschall dengleterre destre accepte a loffice de mareschalcie ore al coronement nostre s' le Roy come a son droit heritage apres la mort le dit Thomas son piere fesante loffice par son depute *come Gilbert Mareschall Conte de Strogoil fist as coronement le Roy Henri second*, cestassavoir de paier debat en meson le Roy au iour de son coronement et faire liverree des herbergages et de garder les hoesses du chambre le Roy, pernant de chescun Baron et Conte faitz Chivaler au cel iour un palfrey ove une sele." Supra quo audita petitione predicta, dictum fuit pro domino Rege ibidem quod officium illud in persona domini Regis in feodo remansit ad assignandum et contulendum cuicumque ipsi Regi placeret. Et supra hoc auditis tam pro domino quam pro prefata Comitissa pluribus rationibus et allegacionibus in hac parte pro eo quod curie quod finalis discussio negocii predicti propter temporis brevitatem ante coronacionem predictam fieri non potuit Henricus de Percy ex assensu et precepto ipsius Regis assignatus fuit ad officium predictum faciendum, etc., etc. (fo. 65 d).

¹ M. Bémont, by a slip, describes him (p. 471), as "exerçant la charge de grand connétable (*sic*) d'Angleterre au couronnement de Richard II."

THE MARSHALSHIP OF ENGLAND

We have clearly here the origin of Coke's error, when he writes :

Many very ancient copies you may find of this *Modus*, one whereof we have seen in the reign of H. 2, which contains the manner, forme, and usage of Gilbert de Scrogele, marshall of England, in what manner he occupied and used the said roome and office in all his time, and how he was admitted etc. at the coronation of H. 2 ('Institutes,' 4, xxi.).

For the error is only found in the above petition.

Now, it ought to be obvious that no such person as Gilbert Marshal, earl of 'Strogoil,' could have existed in 1154, for the Marshals did not inherit till a later time that Earldom, which was held in 1154 by the house of Clare. It has indeed been suggested that for "Gilbert" we should read "Richard,"¹ but this will not help us. For, to secure consistency, we should have to read "Richard *de Clare*." Nevertheless, it has been loosely assumed, on no other evidence, that Richard de Clare, earl of Pembroke ("Striguil") acted as Marshal of England at the coronation of Henry II. in 1154.² And on this foundation antiquaries have raised theories to which we must return.

The real explanation is perfectly simple. On turning to fo. 86*d*. of the MS. we find an entry "*de officio marescalcie*," which we can positively identify as taken from fo. 232 of the 'Red Book of the Exchequer' (p. 759) where it is found among the "services" at Queen Eleanor's coronation in 1236. Then turning back to Countess Margaret's claim (fo. 65*d*'), we find that it enshrines, in Norman French, this entry word for word.

¹ See Mr. Watson's Note in 'Complete Peerage,' vi. p. 197.

² Ibid. v. p. 260; also Doyle's 'Official Baronage.'

Therefore the whole error has been caused by the words "as coronement le Roy Henri second" (1154) applied to an entry which really related to the coronation of Queen Eleanor (1236)! "Gilbert Mareschall Conte de Strigoil" had no existence at the former date, but he actually held the marshal's rod in 1236.¹

Camden, it seems, is responsible, in the first instance, for the theory that the office of "Marshal of England" was distinct in origin and character from that of Marshal of the Household. Strangely enough, in his earlier essay,² he made no such distinction, but, on the contrary, stated that Roger Bigod "was he which first stiled himself *marescallus Angliæ*, whereas all his predecessors used noe other stiles than the simple addition of *marescallus*." In his second essay (3rd Nov., 1603)³ he gave a list of the "Marshals of England," deducing the office from a grant of Stephen, who "made Gilbert Clare earl of Pembroke and Marshal of England, with the state of inheritance, who . . . was commonly called earl of Stryghall." Thus arose the whole theory which Thoms, following Camden, adopts in his 'Book of the Court' (pp. 241, 244), namely, that the two offices were accidentally united by the marriage of William (the) Marshal (of the Household) with Isabel, heiress of the earls of Pembroke, "Marshals of England."

From Thoms this theory has found its way into the 'Complete Peerage.' I need not here say more than

¹ M. Bémont writes that he "vivait au temps de Richard II., non de Henri II." But this is a misconception.

² Hearne's 'Curious Discourses,' ii. 90-97.

³ Ibid. pp. 327-330.

THE MARSHALSHIP OF ENGLAND

that I have carefully examined the evidence, and that, after the alleged union of the offices, there is no trace of their being granted as more than one. When John confirmed (20th April, 1200) the marshalship to William Marshall, it was as

magistratum maresc' curie nostre quam magistratum Gillebertus Marescallus Henrici Regis avi patris nostri et Johannes filius ipsius Gilleberti disrationaverat coram predicto Rege Henrico in curia sua.¹

And when William's younger son Gilbert obtained it from Henry III., after his brother's death, we read of the king (11th June, 1234)—

Tradens ei virgam marescalcie curie sue sicut moris est et sicut eam antecessores ejus melius et liberius habuerunt.²

It would not be in place here to discuss the growth of the office with the growth of the administration, just as the constableness developed in its descent from Miles of Gloucester through the Bohuns. The one point to keep in mind is that the office of marshal descended from Gilbert *temp.* Hen. I., to Roger Bigod, earl of Norfolk, at whose death in December (1306), the marshalship, by his own arrangement, reverted to the king.

It was the king's intention to bestow it on his young son Thomas "of Brotherton"; but as he was at the time only six years old, it was given, 'during pleasure,' 3rd September, 1307, to Robert de Clifford,³ and, a few months later, to Nicholas de Segrave (12th March, 1308), also 'during pleasure.'⁴ These appointments

¹ Rot. Chart., i. 46.

² M. Paris, 'Chronica Majora.'

³ Calendar of Patent Rolls, 1307-1313, p. 6.

⁴ Ibid. p. 51.

MARSHALS UNDER EDWARD II

are important for their bearing on a note by Dr. Stubbs that

William le Mareschal had served as marshall at the coronation, but was superseded in 1308 by Nicholas Segrave, with whom he went to war in 1311. It was probably his dismissal that offended Lancaster in 1308; see 'M. Malmesb.,' p. 103; and he may be considered as a strong adherent of the earl (of Lancaster).¹

It is the case that William Marshall had carried the great gilt spurs at the coronation of Edward II. (Feb., 1308), but we do not find his name on the Patent Rolls among the appointments to the "Marshalsea of England." He can, therefore, only have been chosen to act at the coronation, and was doubtless selected, in preference to the temporary Marshal, as being hereditary Marshal of Ireland. Summoned to Parliament as a baron in 1309, he became one of the 'Ordainers' in 1310.

Robert de Clifford, whom Segrave replaced, was afterwards concerned in Gaveston's death (or, at least, pardoned as being so),² but was clearly a strong supporter of the king at the beginning of 1308. And as appointments and favours were bestowed upon him for two or three years afterwards, one cannot think that he was out of favour, or that he can be alluded to in the passage cited by Dr. Stubbs from the Monk of Malmesbury :

(1309) unde magnates terræ cœperunt hæc pro malo habere et præcipue comes Lancastriæ, quia unus ex familiaribus suis, procurante Petro, ejectus erat ab officio suo.³

¹ Const. Hist., ii. 328.

² He was one of those besieging him in Scarborough Castle, May, 1312.

³ Ed. Hearne, p. 103.

THE MARSHALSHIP OF ENGLAND

It could not in any case apply, as Dr. Stubbs suggests, to William le Mareschal. Professor Tout not only dates Segrave's appointment a year too late, but goes so far as to say that, against him,—

William Marshal, a peer of Parliament and a collateral representative of the great Marshal family, claimed the office as devolving on him by hereditary right.¹

It is obvious that the only person who could make such a claim was the disinherited brother of the late earl of Norfolk.

On February 10, 1316, the Marshalship of England became once more an hereditary office, being bestowed on Thomas 'de Brotherton,' then earl of Norfolk, and the heirs male of his body.²

Let me here again insist that the fundamental error has been the anachronism interpolated in Countess Margaret's coronation claim (1377). This is really the sole foundation for the statement that the Clares earls of Pembroke held the office of Marshal of England; and it can be conclusively shown to arise from mistaking the coronation of 1236 for that of 1154.³

¹ Dictionary of National Biography, li. 204.

² The matter has been further complicated by the index to the official calendar of Edward II. Close Rolls, which gives a "Walter de Ferrariis, marshal of England." The document indexed proves (p. 189) to be a reference (6th July, 1315) to Walter (earl of Pembroke), "late marshal of England."

³ Trivet, it is true, even earlier (*circa* 1300), wrote of Strongbow as 'Marshal of England':—"Ricardus Comes de Strogail, marscallus Angliæ, terris suis omnibus propter quondam offensam in manu regis acceptis, exsul in Hibernia moratur. Hunc Ricardum Anglici ob præcipuum fortitudinem 'Strangebowe' cognominabant" (p. 66). But although the writer may sometimes preserve a

STRONGBOW'S ALLEGED SON

Having thus traced to its origin the confusion which made Richard Strongbow and his father Gilbert marshals of England, I may now deal with the further confusion which assigns to Richard 'Strongbow' a legitimate son Walter. In Ormerod's 'Strigulensia' (p. 63), in Mr. Archer's biography of Richard,¹ and now in the 'Complete Peerage,' the fact is accepted as certain. The authority for this statement is a Tintern Abbey charter, in which William Marshal the younger confirms certain grants (22nd March, 1223)—

pro animabus bone memorie Walteri filii Ricardi filii Gilberti Strongbow avi mei, et Willelmi Marescalli patris mei, et Ysabelle matris mee ('Mon. Ang.,' v. 267).

A very able genealogist, Mr. G. W. Watson, holds that this charter makes the existence of a son Walter "certain."² But as the text appeared to me obviously corrupt, I referred to the Arundel MS.,³ from which it is printed in the 'Monasticon.' I there made the startling discovery that, as I thought possible, the true text is this (in a 15th century transcript of a 14th century *inspeximus* of the 13th century charter) :

pro animabus bone memorie Walteri filii *Ricardi, Gilberti Strongbowe*, Ricardi filii Gilberti Strongbowe avi mei, et Willelmi Marescalli patris mei et Ysabelle matris mee "⁴ (fo. 1).

This makes perfect sense, giving as it does the descent

forgotten story, he cannot be accepted as an authority for earl Richard's tenure of an office, of which there is absolutely no trace in any contemporary chronicle or record.

¹ Dictionary of National Biography.

² Complete Peerage, vi. 197, 198.

³ Now MS. Ar. xix. (Brit. Mus.).

⁴ The italics and commas are mine, and show how the alleged son of earl Richard was fabricated.

THE MARSHALSHIP OF ENGLAND

of the Honour from Walter Fitz Richard (de Clare), founder of Tintern. But a much later hand (? 17th century) has coolly run a pen through the three words I have italicised, thus making nonsense of the passage, which was then, in this mutilated form, printed by Dugdale! It is but a further instance of the havoc which he and others have wrought in the genealogy of the famous house of Clare.

As this charter is of independent value for its early (apparently earliest)¹ mention of the name 'Strongbow,' its date is of importance; Mr. Archer states that it is "dated Strigul, 22nd March, 1206,² an obviously impossible date. Its real date was 22nd March, 1223³ (7 Hen. III.).

We may now return to the office of Marshal in the 14th century. On June 3, 1317, the king called on the barons of the Exchequer to inform him from their records, "*quæ et cujusmodi feoda marescalli Angliæ qui pro tempore fuerunt et eorum ministri temporibus progenitorum nostrorum videlicet de pane, vino, cereolis, et candelis percipere et habere consueverunt.*" For reply they sent him the relative extract from the "*Constitutio domus regis.*"⁴ In 4 Edward III.,

¹ Mr. Watson ('Complete Peerage,' vi. 197) states that Giraldus Cambrensis speaks of "Richard Strongbow, earl of Strigul," but this is a misapprehension.

² Dictionary of Nat. Biography, p. 393.

³ It was inspected by Edw. I. at Carlisle, 20th March, 1307. Its mention ('Mon. Ang.' v. 268) of "*Gilberti et Ricardi Strongbowe*" clearly proves that it applied the name to both.

⁴ Hearne's 'Discourses,' ii. 132-4; 'Calendar of Close Rolls,' p. 558. The reply is of interest as showing that they identified the marshalship of England with that in the "*Constitutio.*"

DUTIES OF THE MARSHAL

"Thomas counte Norfolk et marshall d'Engleterre" petitioned the king for his fees "qui appendent a son office de la marcheausie dedeinz l'ostell et dehors auxi, come ses predecesseurs countes mareschauls ount estre servy"; and he annexed a list of them based on the above return.¹ Again, on April 13, 1344, the king called on the Exchequer for a return from its records "de feodis quam de aliis quibuscunque quæ pertinent ad officium comitis marescalli et mariscalcie Angliæ," etc., etc. Again they sent him the relative extract "in quadam constitutione de domo regis antiquitus facta"; but they added the passage "in Rubro Libro Scaccarii" on Queen Eleanor's coronation (1236), and a 'Dialogus' passage on the fees due to the Marshal from those he imprisoned for default at the Exchequer.²

Lastly, we have in the treatise on the Marshal's office, as given in Nero D. vi., the following passage at its close (fol. 86 *d*) :

In rubro libro de scaccario Regis folio xxx^o sic continetur de marescallo.

Et preter hoc debet magister marescalcie habere dicas de donis et liberacionibus que fuerint de Thesauro Regis et de sua camera et debet habere dicas contra omnes officiales Regis ut testis per omnia. Quatuor marescalli qui serviunt familie Regis tam clericis quam militibus quam ministris die qua faciunt herbergeriam vel extra curiam in negocio Regis morantibus, viij d. in die et galonem vini expens' et xij frustra candelarum si extra tres de die in diem homini suo et cand' plenar' quod si aliquis marescallorum missus fuerit in negocio Regis viij d. ta[n]tu[m] servientes Marescallorum si

¹ Hearne's 'Discourses,' ii. 135-7. This petition, in Norman-French, is of interest for certain additions and for the loose use of "countes mareschauls" as the title of his predecessors from the first.

² Ibid. pp. 143-5.

THE MARSHALSHIP OF ENGLAND

fuerint missi in negocio Regis unusquisque in die iij d. sin autem in domo Regis comedent.

De officio marescalcie servivit Gilbertus comes de Stroghull cuius est officium tumultus sedare in domo Regis, liberationes officiorum¹ facere, hostia aule Regis custodire. Recipit autem de quolibet Barone facto milite a Rege et quolibet comite palefridum cum sella.

It is this last extract, as I explained above, which is reproduced in Norman-French in Countess Margaret's petition, with the interpolation of the words which have caused all the confusion.

And here it is necessary to observe that the interesting reference it contains to the knighting of a 'Baron' by the king is reduced to what Mr. Freeman would have termed "hideous nonsense" in the official edition of the 'Red Book of the Exchequer.' We there read :

Recepit autem de quolibet arma, facto milite a Rege, et [de] quolibet comite ea die palefridum cum sella (p 759).

In the 'Red Book' itself, indeed, the text is now illegible, but Mr. Hall tells us that he used the Hargrave MS. for "restoring certain defaced or missing passages" (p. li.). Now in the Hargrave MS. (fo. 132²) the reading is "as clear as a pikestaff"; it could not be clearer if it were printed. And it is the same reading as we find in the above extracts :

Recipit autem de quol[ibet] *Barone* facto milite a rege et quol[ibet] com[ite] ea die, etc.

Yet Mr. Hall reads: "de quolibet *arma*, facto." Really, when one knows that he has undertaken to

¹ Altered in MS.

² 133 in the pencil numbering.

NOTTINGHAM CREATED MARSHAL

teach how mediæval MSS. should be edited,¹ one is driven again reluctantly to ask whether such editing as this should be styled a farce or a burlesque.²

Before returning to the 'Modus,' the point from which we started, we must clear up the confusion that surrounds the title of Earl Marshal.

Camden, apparently, was led by the error in the claim of 1377 to assign the treatise on the office of Marshal to the time of Henry II.³ Coke went further, and, as M. Bémont says, confused the 'Modus' with the treatise. It is the close connexion between the two that leads up to my theory.⁴

There is a transcript in Nero D. vi., with a beautifully illuminated initial, of the patent by which Richard II. created Thomas Mowbray earl of Nottingham Marshal of England and Earl Marshal (12th Jan., 1386), in tail male. Here again the confusion has been terrible. The Record Commission's Catalogue of the Cottonian MSS. describes it as "*Literæ R. Ricardi II. constituentes Tho. de Brotherton, com. Nottingham, Marescallum Angliæ A°. 1386,*" and it is this

¹ In special classes on Palæography and Diplomatic at the London School of Economics.

² See 'Studies on the Red Book of the Exchequer,' p. 34, where the reference is to Mr. Hall's citing the "*præmissa scutagia*" of his MS. as "*promissa scutagia*" (pp. clxxii, clxxvii, etc.), and arguing therefrom. See also *Ibid.* p. 29.

³ "There is a treatise carried about the office of the earle marshall in the tyme of King Henry the Second, and another of the tyme of Thomas of Brotherton (Hearne's 'Discourses,' II. 95).

⁴ The Society of Antiquaries possesses an early English version of the 'Modus' to which is prefixed a table of chapters both for the 'Modus' and for the treatise on the Marshal's office.

⁵ He was earl of Norfolk.

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doubtless, which has led several writers into grave error, down to M. Bémont, who enters the document as "les lettres patentes de Richard II. instituant Thomas de Brotherton maréchal d'Angleterre" (p. 472). But, for my purpose, the important point is that this is the first grant of the office of "*Earl Marshal*." On the one hand, a high authority asserts in the 'Dictionary of National Biography' that Roger Bigod, earl of Norfolk, received "the office of Earl Marshal" in 1246; on the other, we read in the 'Complete Peerage' that an "*Earl Marshal*" was first created in 1397.¹ Neither statement is correct. On June 30, 1385, Richard bestowed on the earl of Nottingham "the office of Marshal of England," which we have traced above.² Dugdale, citing the record below, wrongly states that Thomas was "constituted *Earl Marshal of England*" for life on this occasion, and is followed in this by Professor Tout.³ Thomas certainly styled himself "*Earl Marshal and of Nottingham*" in the month following, but this was one of the assumptions of the time. He was only so created by the patent which follows. It is desirable, therefore, to give here the exact wording of the grant :

Sciatis quod cum nos nuper de gracia nostra speciali conces-

¹ Vol v. pp. 260, 261.

² "Sciatis quod, cum carissimum fratrem nostrum Thomam de Holand, comitem Kancie de *officio marescalli Angl[ie]*, quod nuper habuit ex concessione nostra, exoneraverimus, Nos ea de causa dilectum consanguineum et fidelem nostrum Thomam Comitem Notyngh' ad *dictum officium* ordinavimus, habendum cum feodis et omnibus aliis ad officium illud spectantibus ad totam vitam ipsius," etc. (Pat. 9 Ric. II., part 1, m. 38).

³ Dictionary of National Biography.

CREATION OF AN EARL MARSHAL

serimus dilecto consanguineo nostro Thome comiti Notyngh' officium marescalli Anglie ad totam vitam suam, Nos jam de uberiori gratia nostra concessimus prefato consanguineo nostro officium predictum una cum nomine et honore comitis Marescalli habend' sibi et heredibus suis masculis de corpore suo exeuntibus cum omnimodis feodis proficuis et pertinenciis quibuscunque dicto officio qualitercunque spectantibus.

This grant, which is dated at Westminster, 12th January, 1386 (9 Ric. II.), is, oddly enough, unknown even to experts. Dugdale had missed it, and it is consequently ignored in Wallon's 'Richard II.,' in Professor Tout's biography of Nottingham,¹ and in the 'Complete Peerage.' It illustrates not only the high favour in which Nottingham still stood, but the *entourage* of the king at the time, which included several of those about to lead the opposition.²

The above grant is duly referred to in the so-called creation of February 10, 1397. This is headed in the Rolls of Parliament :

Une chartre du Roy faite a le Conte Mareschall touchant son Office de Mareschall d'Engleterre . . .

Sciatis quod cum nuper per literas nostras patentes de gratia nostra speciali concesserimus dilecto consanguineo nostro Thome Comiti Notyngh' Officium Marescalli Anglie, una cum nomine et honore Comitis Marescalli, habendum sibi et heredibus suis masculis, etc. . . . Nos. . . . volentes proinde pro statu et honore ipsius Comitis uberius providere, de gratia nostra speciali, in presenti Parlamento nostro concessimus pro Nobis et heredibus nostris eidem Comiti dictum officium ac nomen, titulum, et honorem

¹ Dictionary of National Biography.

² The witnesses were the archbishop of Canterbury, the bishops of London and Winchester, John of Gaunt, the dukes of York and Gloucester, the earls of Arundel, Stafford, and Suffolk, Hugh de Segrave the treasurer and John de Montacute steward of the household.

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Comitis Marescalli Anglie habendum sibi et heredibus suis masculis, etc. (Then follow additional concessions.)

The transition, in the marshal's style, is interesting enough. First we have "the Marshal," or rather "the Master Marshal"; then "the Marshal of England," as a more high-sounding style; next a confusion due to the fact that the Marshals also held an earldom through the 13th century, and so became, in common parlance (though not in strictness), "Earls Marshall"; lastly, even so early, we have seen,¹ as 1344, there occurs the cumbrous and unmeaning phrase "*officium comitis marescalli et mariscalcie Angliæ.*" Proving, though it does, the rapid accretion of error and confusion in the Middle Ages, the double style obtained recognition in the Patent of 1386.² It is singular that, even at the present day, the "Peer-ages" style the duke of Norfolk "Earl Marshal and hereditary marshal of England," although he is simply "Earl Marshal" under the creation of 1672.³

An apology is hardly needed for introducing here a characteristic challenge, addressed by the young Earl Marshal in the chivalrous spirit of the time, "a noble et honnore S^r le conte de Soissons sire de Coucy." This quaint epistle begins thus :

¹ p. 311 above.

² It seems to have become in the Parliamentary confirmation of 1397 "Earl Marshal of England."

³ Mr. Kingsford, in the 'Dictionary of National Biography' (xxxvi. 232), complicates the matter further by writing of Walter earl of Pembroke: "The office of Marshal passed through his eldest daughter to the Bigods, earls of Norfolk, and through them to the Mowbrays, and eventually to the Howards," etc. The Mowbrays, of course, obtained it under a new creation, and in no way through the Bigods.

THE MARSHAL'S CHALLENGE

Honneur S' Pour ce que vous estes homme donneur approue de vaillance et de chevalerie et de grant renomée comme bien est cogneu es plusieurs lieux honorables, et je suis joesne, etc. . . . Je envoie devers vous Notynghant mon heraut, etc.

Then follow the terms of the challenge :

et apres les trois cops de lance, trois pointes despee, trois pointes de dague, et trois cops de hache a pie.

Every precaution would seem to be taken against the survival of either combatant. The letter closes with due formality :

Escript a Londres le x^o jour de Janvier lan de grace mille cc iii^{x(x)} et neuf selon le compte de leglise d'Angleterre.

Par le conte Mareschall' et de Notyngham S^r de Moubray et de Segrave mareschall' d'Angleterre.

This document, I believe, has not hitherto been known.

And now, when we turn to the 'Modus,' we find in the chapter treating "De Casibus et Judiciis difficilibus" a startling statement that, if difficulties arose,—

tunc comes senescallus, comes constabularius, *comes marescallus*, vel duo eorum, eligent viginti quinque personas de omnibus paribus regni, etc., etc.

It need scarcely be said that no such right belonged *ex officio* to these three magnates, or was even claimed by them. Yet no one has suggested, so far as I know, that there must have been a reason for inserting this clause, and that in such reason we may find a note of time. Ordainers were elected, under Edward II., in 1310, and a Commission under Richard II. in 1386. No one, it is certain, could have introduced the reference to an "Earl Marshal" in 1310, for Thomas,

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future marshal of England, was then only a boy of ten. But in 1386 there was, in Nottingham, an Earl Marshal, and one who was, at the time, taking a leading part. Indeed the three chiefs of the opposition at the time were Gloucester, Derby, and Nottingham, who respectively represented the Constable, the Steward,¹ and the Marshal. Add to this that it was in the Parliament of 1386 that we find the precedent of Edward II. prominent in the minds of men,² and that it was also in this Parliament that appeal was made to a supposed statute, and that the 'Modus' contains a chapter "De Absentia regis in Parlamento" (a grievance in 1386), and we have at least a fair presumption that the 'Modus'—at any rate in the form that has reached us—dates from the constitutional crisis of 1386.³

¹ Derby was the Steward's son and heir.

² Dr. Stubbs observes that "from the king's later action, it is clear that both parties had in view the measures taken for the deposition of Edward II." But there is more direct evidence. On the Rolls of Parliament (III. 376) it is one of the charges against the Lords Appellant that they "firent chercher Recordes deins vostre Tresoree de temps le roi Edward vostre besaiel coment vostre dit besaiel demist de sa Couronne, Et monstrent en escript a Vous," etc., etc.

³ M. Bémont, who approached the question from the standpoint of the MSS., claimed that only one (Vesp. B. vii.) of them could possibly be as old as the days of Edward II., and that even this must be proved "par des raisons paléographiques." The officials of the MS. department, Brit. Mus., kindly examined it for me, and pronounced it to be clearly of the reign of Richard II., which confirms his conclusion. M. Bémont, however, held that the MSS. "ont été composés et écrits dans les premières années de Richard II., ou dérivent de manuscrits rédigés à cette époque," on account of the prominent place assigned in them to Richard's coronation: I should place the date a few years later.

A NEW DOCUMENT

I shall now close this article, which has already exceeded its original limits, with a document hitherto unknown, I believe, to English historians. The Rolls of Parliament preserve, in the proceedings of 1397 against Gloucester, the appeal of treason presented to the king by the nobles of his party at Nottingham (5th Aug., 1395). But that appeal is not known to us at first hand. I believe that I have found the terms of the document, which correspond, it will be seen, with the printed version. But instead of closing with the words "soit enterment quasse et adnulle," as in the Rolls of Parliament (iii. 341), it proceeds :

laquelle bille nous le prouuerons pour vray avec laide de Dieu et de sa benoiste mere tant comme la vie nous dure.

Then follows, in parallel columns, the interesting portion of the document, namely, the five articles of accusation, which are, it will be found, largely different and much shorter than on the Rolls. Opposite them is a notable confession which, from evidence it contains, I assign to the duke of Gloucester.

P[re]mierement comment ilz voloient auoir depose mons^r.

Item. Ilz le constraindirent a leur donner pouoir par lettres a lencontre de sa regalie et les libertes de sa couronne.

Item. Ils le voloient auoir prins par force hors de son chastel et lauoir amene tout partout ou ilz voloient et prins son grant seel deuers eulz.

Item. Le vouloient auoir assailli dedens sa tour de Lon-

Beauz seignors je vous prie a tous mercy et vous prie que vous veulliez dire a Mons^r le Roy que il pregne garde de mon filz, quar sil nest chastie tant quil est jeune, il me ressembleira, et je fiz faussete et traison a mons^r mon pere, et ai pense et eusse mis a execution contre mons^r le Roy contre mon neveu de Rottheland et mon cousin le mareschal et plus^s autres (;) dedens xv jours ilz eussent este mors et madame la

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dres lui estant dedens a sa feste
du Noel.

Item. Depuis ont ilz perse-
vere en leur traison et tant quilz
ont ymagine et ordene daunoir
destruit et mis a mort ceulx qui
furent entour la personne de
Mons^r.

Royne envoiee arriere en France,
et fait du royaume ce que nous
eussions voulu. Et avions or-
donne de rendre tous les hom-
mages a ceulx qui eussent este
de nostre part. Si preng en
grace ce que Mons^r me fera quar
jai bien desire la mort.

From internal evidence this confession must (if genuine) proceed from an uncle of the king, who can only be the duke of Gloucester. I believe him to have sent it from his prison at Calais, after his arrest and deportation thither by the "Earl Marshal of England."

Such documents as this still lurk here and there in MS. Their discovery rewards, at rare intervals, the toil of original research, as in those I have printed above bearing on the Commune of London. To this research, as Dr. Stubbs has urged, historians have now to look;¹ but for it, in England, at the present time, there is neither inducement nor reward.²

¹ "The Present Status and Prospects of Historical Study" ('Lectures in Mediæval and Modern History,' pp. 41-2).

² See my article on "Historical Research," in 'Nineteenth Century,' December, 1898.

NOTE

On page 21 I speak of Mr. Andrew Lang "tracing the occurrence in scattered counties of the same clan name to the existence of exogamy among our forefathers." This view, which (as I there state) was adopted by Mr. Grant Allen, is set forth in his notes to Aristotle's 'Politics' (Ed. Bolland, 1877), pp. 96, 99, 101. To show that I have in no way misrepresented that view, I append these extracts :

the *sibsceaft*, or kinship, which, when settled within its own mark of land, is known in early Teutonic history as the *Markgenossenschaft*. Whether in Greece, Rome, or England, not to mention other countries, the members of each of these kinships all bore the same patronymic name, etc., etc.

Take the case of early England, one finds the traces of the clan of Billingas in Northampton, Lancashire, Durham, Lincoln, Yorkshire, Sussex, Salop, and other widely-separated districts (Kemble).

The members of these clans bear each the clan patronymic, perform the same superstitious rites, and are bound to mutual defence . . . in England a man of the Billinga clan, or of the Arlinga clan, might be a Somersæta, or a Huicca, or a Lindisfara by local tribe. This curious scattering of the *family* names through the *local* settlements in England has puzzled Mr. Kemble, who accounts for it by the confusion of the English invasion, and by later wandering and colonisations. But if the Arlingas, Billingas, and so forth, were once scattered over North Germany, as the men of the Sun or Tortoise clans are scattered all over America and Australia, it would necessarily happen that when a Jutland tribe invaded the south of England, it would leave families settled there of the same name as a Schleswig tribe would leave in the north or west of England.

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Mr. Lang then goes on to urge the probability that, as in Australia, this phenomenon had its origin in exogamy. But I question, in my paper on the subject, the 'clan' phenomenon itself. Mr. Lang, like others, wrote under the influence of Kemble; and it is the very object of my paper to show the danger of building theories on Kemble's rash conclusions.

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